

ATHENA


CRITICAL INQUIRIES IN LAW, PHILOSOPHY AND GLOBALIZATION

International Law and the Struggle for the Future: Historicizing Agenda 2030 for Radical Critique of International Legal Ideology

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ABSTRACT

This paper addresses the UN's 'Agenda 2030' from a historical-materialist perspective, interrogating its potential to effectively 'transform our world' in the face of the 'crisis of the future'. It explores the ideological dimensions of the international legal form, critically reflecting upon the role of international lawyers in the reproduction of global capitalist relations, on the limits of international law as an instrument of social transformation and of the Agenda as a roadmap to a 'better future'. Specifically, it demonstrates how the a-historical and depoliticized legal language of the Agenda conceals and legitimises the inherently 'unsustainable' logics of value and capital accumulation. Finally, the paper denounces the Agenda's ideology of Progress, pointing to its epistemological 'blindspots' and proposing a reclaiming of utopian and revolutionary thinking in order to rescue international legal theory's capacity to imagine a different future and act towards a new mode of sociability and human-nature relationship.

Keywords: agenda 2030, sdgs, marxism and international law, ideology, crisis

ATHENA

Volume 2.1/2022, pp.73-115

Articles

ISSN 2724-6299 (Online)

<https://doi.org/10.6092/issn.2724-6299/13853>



1. Introduction

The existential challenges posed by the climate crisis intensify global inequalities and conflicts between nations, transnational groups and classes, escalating global crises to unprecedented levels. As these challenges grow in magnitude and imminency, they put into question not only the social capacity to imagine alternative, ‘better’ futures, but also the very limits and the capacity of the international community, international legal norms, global governance instruments, and development policies to build, bring about, such better futures.

In this context of ‘struggle for the future’ – in which humankind’s hope for a better future is at stake –, ‘*Transforming our world: the Agenda 2030 for Sustainable Development*’ (UN, 2015) emerged, establishing 17 sustainable development goals (SDGs) and specific indicators to measure progress towards a ‘better’ future. Building on the legacy of ‘*The future we want*’, ‘*Our Common Future*’, and the ‘*Millennium Development Goals*’, the 2030 Agenda today constitutes, alongside the ‘*Paris Agreement*’, the main international legal document for protecting the future, proposing to ‘transform our world’.

However, despite the many calls for more ambition, decisiveness, determination and urgency made around the Agenda,¹ and the deafening alarm bells rang by the last IPCC report (IPCC, 2021), which caused Secretary-General Guterres to declare ‘code red for humanity’ (UN, 2021a) -, ‘Transforming our world’ still seems to lack real transformative power, showing itself incapable of making the necessary changes to alter the course of ‘unsustainable’ capitalist development. In an alarming finding, the latest SDG report showed that, if progress towards achieving the SDGs was already insufficient, the COVID-19 pandemic led to a worrying regression, revealing the fragility and insufficiency of the instrument in question and the

¹ In September 2019, the United Nations General Assembly even proclaimed the Decade of Action for the achievement of the Sustainable Development Goals (SDGs) to “accelerate efforts to realise the ambitious, universal and inclusive 2030 Agenda”.

international community's difficulties to implement it and deal collectively with global crises (UN, 2021b).

Drawing from Marxist critiques of law, ideology, and critical approaches to international law, this paper analyses the 2030 Agenda from a historical-materialist perspective, interrogating its real transformative potential and seeking to reveal not only its ideological and theoretical underpinnings, contradictions and epistemological blindspots, but also the limits of international law itself as an instrument of social transformation.

Building from the work of critical international legal scholars such as Orford (1998, 2017), Skouteris (2009, 2016), Koskenniemi (2007), Kennedy (2013, 2016), Singh and Mayer (2014), Moyn (2016), and D'Aspremont (2019) and, in general, on the tradition of critical theory and historical materialist analysis of law, I start by identifying and criticising the technocratic and eurocentric narrative (or ideology) of progress that accompanies the history of international as a discipline. This mainstream traditional narrative mostly presents international law as a synonym of 'progress', 'civilisation' and 'development', or as a panacea to the world's problems. By delving into the subjective and ideological dimensions of the international legal form, my paper takes a critical stance on this mainstream position, following the lines of Marxist and TWAIL critique of imperialism, eurocentrism and colonialism.²

From this angle, I bring Agenda 2030 into focus, with a view to understand how this complex global governance mechanism approaches global problems, envisages a different future, and enables the 'transformation of our world'. The core of my argument is that the Agenda eventually reproduces the same neoliberal technocratic and eurocentric ideology of progress and the fetishism of the law. Due to its technical, universal and formal international

² On the relationship between International law and capitalism, imperialism and neocolonialism, see, among others: Miéville (2005), Anghie (2004, 2017), Chimni (2006, 2012), Marks (2008), Knox (2014), Rasulov (2008, 2018, 2018a) Gathii (2011), Eslava, Obregón and Urueña (2017), Parfitt (2019), Bernstorff and Dann (2019), Tzouvala (2020), Forji Amin (2021).

(soft) legal language, the Agenda presents a high degree of a-historicity, generalisation, depoliticisation, abstract universalism. With a focus on expertise and empiricism (measurement over politics) the Agenda operates ideologically to conceal the historical, economic, social content of law - the capitalist relations of production - and, thus, legitimises capitalist, imperialist, neocolonial, and dependency relations. This renders the agenda incapable of bringing about a ‘better future’ - of ‘transforming our world’, stopping or reversing climate change. This because, I claim, its capitalist rationality is structurally incapable of identifying and criticising capitalism’s core elements such as the commodity, accumulation (growth), and value (understood as a social form or relation), which are mostly responsible for capitalism’s ‘autophagic’, colonising and destructive forces.

Actually, my analysis of this complex global governance mechanism aims to expose the limits of international law itself, and its instruments, in reversing the current global crises within the ideological framework in which they operate. I ask: what kind of ‘transformation’ is sought after by the declaration? What is the degree of rupture and radicality of this transformation? What is the ideological reality (“worldview”) in which ‘global leaders’ and distinguished ‘international lawyers’ are submerged? How and from what assumptions are their subjectivities constituted? What are the structural, political and ideological limits of this instrument which promises to deliver us a transformed world? What kind of legal and political subjectivity does it rely on? This paper is an attempt to reflect on these issues. Finally,

As for the SDGs themselves, I must say that do not engage directly with them. Rather than engaging with the empirical debates concerning indicators, targets, measurement, data collection and review procedures, I focus on the theoretical aspects of their legal status, language, universality, ideology. With this, not only I seek to throw some light on the most evident practical problems of the Agenda (fragmentation, ‘greenwashing’, ‘SDG-washing’, ‘business as usual’, ‘anthropocentrism’, ‘growth at-all-cost’, ‘corporate

capture’, etc.), but also on its ‘blind faith’ in ‘progress’, ‘growth’ and technology.

Finally, the study points to the need for a radical theory of society and of international law and a reclaiming of revolutionary expectations, for the sake of a concrete utopia and a real project of social transformation. I conclude by arguing that, if the Agenda’s language of international legal expertise operates to naturalise the main gears that drive environmental destruction, a radical change in the way we approach and think international law and global governance mechanisms becomes necessary. Instead of restricting itself to a simple ‘measurement of progress’, maintenance of order, ‘cushioning’ of crises, management of the possible, a transformative agenda for the future should ‘be realistic and demand the impossible’, embracing a new form of critical subjectivity that is solidarist, collective, popular, class-based, and community-oriented, and a new critical rationality that reclaims or recreates utopian and revolutionary imagination - the capacity to imagine alternative futures.

2. Historicizing the Agenda

This section presents some preliminary comments of methodological nature regarding, specifically, the use of ‘history as theory’ of international law.

In the first place, by ‘historicising the Agenda’, I mean interpreting it according to the principles of Historical materialism. According to Karl Marx (1859) in the ‘*Preface to a Contribution to the Critique of Political Economy*’, legal relations and political forms should not be comprehended ‘by themselves or on the basis of a so-called general development of the human mind, but (...) on the contrary (...) in the material conditions of life’. (Knox, 2016) In this vein, by using historical materialism in international law, I mean analysing the law not according to its ‘internal’ dynamics, but in relation to the development of modes of production. Thus, I take the capitalist mode of production as a central point of legal analysis and, by observing the

mercantile forms and the social structures stemming from it, I try to identify the materiality, historicity and tendencies that make up the system and determine, in different degrees, the totality of social relations, including law.

For that I find inspiration in the Althusserian ‘symptomatic reading’ of international law proposed by Ntina Tzouvala (2020) in ‘Capitalism as Civilization’. Contrary to Tzouvala, I do not look to international legal arguments ‘of the past’, but, instead, to an international legal document ‘of the present’. Nevertheless, by thinking in terms of material social forms and structures (relations and mode of production), I am able to look to the present of international law and see a specific moment in the history of capitalist development. It becomes, then, possible to point out historical tendencies, continuities, ruptures, determinations, inconsistencies, contradictions and limits of international law, seen as in relation with the totality. In this sense, Cutler (2008, 202) conceives historical materialism as a philosophy of praxis and as a method of critical analysis [which] (...) conceptualises world order as an historical bloc comprised of material, ideological and institutional forces that embody both the traces of the past and seeds of the future [and which] (...) is inherently and unavoidably transformative.

Secondly, I use history as a way of creatively reimagining international law and reality. In this sense, mention should be made to Anne Orford’s view, according to which the critical use of the history of international law should emphasise the creative role of legal reasoning, inasmuch as the past ‘is constantly being retrieved as a source or rationalisation of present obligation’ (Orford, 2013, 173). It is, therefore, a matter of using history not to look back to some distant, disconnected past, but to look to the present and to the future as a continuum. After all, the future, according to my perspective, is not a mere prolongation of the present, but an open field of future possibilities or ‘futureabilities’, as put by Berardi (2009). Thus, if reimagination requires creative energy, the use of history should serve this purpose of glimpsing alternative futures, especially in the current context in which the feeling of

hope over a better future seems to have disappeared, or ‘the future has been ‘cancelled’.

Furthermore, I present some reflections based on Benjamin’s theses on the concept of History. According to Thesis VII (Benjamin, 1940) “(...) The historical materialist (...) regards it as his task to brush history against the grain.” According to commentator Löwy (2001), this phrase can be understood both in the sense of going against the current official versions of history; and in the sense that ‘redemption/revolution will not happen due to the natural course of things [progress]’, so that ‘It will be necessary to fight against the current’. Thus, by ‘historicising the Agenda ‘against the grain’, I mean to read it critically, against the mainstream current, against the mainstream eurocentric narratives that present international law and capitalist development as progress, development, civilization, while at the same time conceal and legitimise the relations of violence, domination and exploitation that constitute the world.³

Still on the use of history, I must mention the famous Thesis IX, in which Benjamin (1940) presents the Angel of History, whose face is ‘turned towards the past’ while the storm of progress carries him through to the future; and Thesis XIIa, that subverts the idea of revolutions as the locomotive of history, proposing, instead, the idea that a revolution is humanity pulling the locomotive’s emergency brake. Both images suggest metaphorically that if humanity allows the locomotive to go on its way, it will quickly and directly head towards disaster. To Benjamin, the only possible way to halt this fatal destructive progression of the Storm of Progress is by pulling the emergency brakes. As Horkheimer (1973) summarises in different words: ‘[revolution]

³ I thereby refuse the triumphal and self-indulgent eurocentric narratives of mainstream internationalists, who believe themselves to be champions of justice and humanitarianism (‘the legal consciousness of the civilised world’), and who believe international law and capitalist development to be the same as progress. These triumphal and self-indulgent eurocentric narratives that associate international law with progress, civilisation and development abound the history of the discipline with the history of the imperial expansion of Europe, which was founded upon the exclusion of non-Europeans from the International society. Examples of such narratives can be found in Orford (1998; 2006), Skouteris (2009, 2016), Koskeniemi (2004, 2011).

(...) the end of exploitation. (...) is not a further acceleration of progress, but a qualitative leap out of the dimension of progress'. Inspired by these passages, I undertake a critique of the notion of progress, central to the ideology of international law and very present in Agenda 2030. I argue that, with its obsession with measurement, data collection SDGs and their quantifiable targets and indicators, and 'progress towards the achievement', the Agenda relies heavily on the 'illusion of progress'⁴, merely proposing to measure and 'manage' the course of the locomotive of progress (a metaphor for capitalist development) while refraining from 'pulling the emergency brake, with 'leaping out of progress' instead.

3. On International Legal Ideology and the Limits of Law as an Instrument of Social Transformation

In order to assess the transformative potential of 'Agenda 2030' and of international law in general, it is necessary to understand how international law, as a social form, guarantees the reproduction, functioning and survival of global capitalism. In light of that, this section 1) explores the material and ideological dimensions of the international legal form; 2) discusses the structural limits of international law as an instrument of social transformation; and 3) points to the need for a radical theory of transformation of society and of international law in the face of the 'crisis of the future'. Finally, it 4) addresses the dimension of international legal ideology that associates law with progress and cosmopolitanism, which I have called 'the narcissistic fantasy of international law'.

3.1 Ideological Dimensions of the International Legal Form

The material and ideological dimensions of law and its function in the reproduction of the system can be understood from Pashukanis' theory of law as a historically specific social form of capitalism, derived from the

⁴ On Unsustainable development in International Law and Policy, See Gillespie (2001).

commodity-form. According to Pashukanis, through the horizontal constitution of ‘free’ and ‘equal’ legal subjects in the moment of exchange, law perfects or ‘complements’ the commodity fetishism⁵, thereby naturalising social relations of production/exploitation through the moral-legal ideology of freedom to contract and formal equality before the law.

Importantly, for Pashukanis, the legal form is not a simple ideological reflection, it “(...) does not exist only in the heads and theories of juristic specialists. It has, in parallel, a real history, which develops not as a system of ideas, but as a specific system of relations” (2017, 83, my translation from Portuguese). Indeed, relations of exchange are not ideas or phenomena of consciousness, but objective economic relationships, ‘That is why, in looking at the form of law, one cannot be restricted to ‘pure ideology’ without taking into account this whole existing objective apparatus” (Pashukanis, 2017, 64, my translation, from Portuguese). For Pashukanis, therefore, the relationship between the material and the ideological is dialogical (Parfitt, 2019, 37).

Building on Pashukanis’ theory, China Miéville (2005), presents a theory of international law also derived from the commodity-form. The British writer argues that ‘(...) it was only (...) with the triumph of capitalism and its commodification of all social relations that the legal form universalised and became modern international law (Miéville, 2005, 161). This allows for an understanding of international law as the movement of universalisation of legal forms which corresponds to the expansion of capitalism globally. Accordingly, ‘With the spread and universalisation of commodification under capitalism, law – including international law – had a similar universalising dynamic, with a tendency towards the realisation of the juridical sovereignty of polities’ (Miéville, 2005, 256).

⁵ According to Miéville (2005, p. 88): “This formal equality of distinct and different individuals is in exact homology with the equalisation of qualitatively different commodities in commodity exchange, through the medium of abstract labour (the stuff of value). Thus, with the generalising of legal relations, ‘[l]egal fetishism complements commodity fetishism’”. See also Kennedy (1985).

This lesson opens a path to better understand the extent to which international law constitutes and is constituted by imperialist relations of violence, dependency, exploitation, oppression and structural inequality, within and between nations.⁶ In Miéville's words, 'Specifically in its universalised form, predicated on juridical equality and self-determination, international law assumes imperialism' (Miéville, 2005, 293).

The ideological dimension of the international juridical form can also be assessed via Althusser's reflections on the form and content of law (Althusser, 2014, 59). According to the French philosopher,

Law's formalism and its correlative systematicity constitute its formal universality (...) The obvious effect of law's formalism is to bracket, in law itself, the different contents to which the form of law is applied. But it by no means makes these contents disappear by enchantment. Quite the contrary: the formalism of law makes sense only to the extent that it is applied to defined contents that are necessarily absent from law itself. These contents are the relations of production and their effects. Hence, we can begin to see that: 1) Law only exists as a function of the existing relations of production. 2) Law has the form of law, that is, formal systematicity, only on condition that the relations of production as a function of which it exists are completely absent from law itself. This singular situation of law, which exists only as a function of a content from which it abstracts completely (the relations of production), explains the classical Marxist formula: law 'expresses' the relations of production while making no mention at all, in the system of its rules, of those relations of production. On the contrary, it makes them disappear.

Thus, even if it exists only as a function of classes, law abstracts them and only takes individuals into account. The same process takes place at the

⁶ In 'Between Equal Rights' Miéville (2005) provides the rationale and examples for such claim, which I hereby endorse

international level, insofar as international law's necessarily abstract, universal and formal equality between states, operates to conceal, naturalise, or 'completely abstract' the relations on which it is based, namely the material relations of power, domination and inequality between formally equal states. These reflections enable us to understand how the international legal language of 'expertise' operates to depoliticise the economy, abstract the asymmetric materiality of social relations, constitute subjectivities, colonise imaginaries, and carry out capitalist ideology within and across nations (Parfitt, 2019).

3.2 On Capitalism and Environmental Destruction

A second assumption of this research appears in the form of a determinant and radical observation that goes as follows: there is a necessary causal relationship between capitalism and environmental destruction; or, to put it differently, capitalist imperatives are the main drivers of 'unsustainable development'.⁷

According to Jappe (2019), in *The autophagic society*, 'the hunger that gives rise to the capitalist desire for accumulation is, like the hunger in the Greek myth of Erisicton, 'an abstract and quantitative hunger that can never be satisfied'. 'This myth', says Jappe, 'anticipates, in an extraordinary way, the logic of value, commodity and money'; it tells us not only about the devastation of nature and social injustice, but also 'about the abstract and fetishistic character of mercantile logic and its destructive effects' (Jappe, 2019, 11, author's own translation).

From these observations derives the idea that it is only possible to contain the destruction of the environment by confronting and destroying the capitalist system and the mercantilization of all life and nature. As Jappe states, 'The ecological crisis cannot find its solution within the framework of the capitalist system, which needs to grow permanently, to consume more and more raw materials, just to compensate for the decrease in the mass of value'.

⁷ For more arguments on this relationship, see Jappe (2019), Klein (2014) and Magdoff and Foster (2011).

It happens that, ‘In the capitalist mode of production, the production of objects of social utility is wholly subordinate to the ‘production’ of surplus-value, that is to say, the production of capital on an extended scale, or what Marx calls ‘the valorization of value’, so that, it can be said, ‘the driving force behind the capitalist regime is the ‘profit motive’” it is “the uninterrupted growth, and thus the growth on an extended scale” (Althusser, 2014, 33).

In the same vein, after comparing the situation of contemporary capitalism to a steamboat that only continues to sail by burning up the planks of the deck, the case, etc., Jappe (2019, 22, author’s own translation) writes:

Value as such has no natural limit to its growth, but it cannot renounce having a use-value and thus representing itself in a real object. The growth of value cannot occur without a growth - necessarily much faster - of material production. Material growth, by consuming natural resources, ends up consuming the real world.

On the one hand, this assumption on the necessarily destructive (autophagic) nature of capitalism alerts to the structural dimension of unsustainable development, demanding an anti-capitalist critique of growth (even the ‘sustainable and inclusive’ growth, as in the Agenda), of ‘green economy’ solutions, and of easy ‘technological fixes’. On the other hand, it leads us to think about the limits of international law as an instrument of social transformation.

3.3 The Limits of International Law as an Instrument of Social Transformation

From the above it follows that, 1) being law a social form specific to capital, and 2) capitalism, with its autophagic nature, intrinsically linked to crisis, social and climate stress, international law finds structural limits to effectively tackle current global problems such as, unsustainable development and climate change.

What we perceive in this scenario, is that, tied to positivist, state centric and liberal worldviews, the mainstream liberal theoretical models of international law are themselves in crisis, insufficient to fully grasp and address global problems effectively. Historically, instead of being a ‘solution’ to these problems (as commonly believed), international law has, in fact, contributed to their deepening, to the extent that it is structurally linked to capitalist [(neo)extractivist, (neo)imperialist, (neo)colonial and (neo)liberal]] forms of contemporary exploitation and domination.⁸ Besides that, trapped within the ideological limits of capitalism, like Sisyphus, doomed to eternally roll a stone up the hill, law seems doomed to a reactive role of managing, cushioning, draining and redirecting crises, unable to confront private property, the sanctity of contracts, the global power of corporations, the commodification of life and nature, in sum, the real drivers of social disintegration, environmental destruction, climate change.

The ideological dimension of this phenomenon derives from the positivist, pragmatic, technocratic and problem-oriented character assumed by modern international law specially after the ‘institutionalist’ or ‘managerial’ turn’ of the 1960s, which, simultaneously, generated a notion of the discipline as a ‘neutral’ language; sustained a naïve optimism regarding its transformative potential (legal fetishism); and culminated in a loss of capacity for legal, political and economic transformative imagination.

The current crisis is a multidimensional, structural, systemic, total one, both in the sense that it has gone beyond the economic, political and legal spheres and has reached all dimensions of social life; and that it affects the

⁸ There is a wide range of critical literature that discusses and seeks to demonstrate the link between international law and the colonial and imperialist project, as well as the continuity of this link in the post-colonial period and in the neoliberal age. In the words of Anghie, (2006, 245): ‘We cannot understand how international law became universal, how it extended from its European origins to encompass the societies of Africa and the Americas, Asia and the Pacific, without focusing on the technologies and doctrines that international law used to advance the civilising mission whose extension resulted in the entire globe being governed by a single international law. For more on this, see also Chimni (2017), Brabazon (2017), Mattei and Nader (2008), Knox (2018), Britton-Purdy, Kapczynski and Grewal (2021), Golder and McLoughlin (2017), Özsu (2019), Baars (2019), among others.

centre as well as the periphery (there is simultaneous talk about ‘the recolonisation of the Third World’ (Chimni, 2006) and the ‘peripheralization of the First world’) (Davis, 2017; Hochuli, 2021). In light of this, it is my understanding that, if real world transformation is in sight, it is necessary to recognize the limits of transformation through legal forms. As Miéville (2005, 319) has argued, ‘A world structured around international law cannot but be one of imperialist violence. The chaotic and bloody world around us is the rule of law.’ Therefore, it is necessary nothing less than a radical critique of society and of the law, one that aims to transform the social forms and structures of human sociability and relationship with nature in order to stop the decomposition, collapse and autophagy of the system.

3.4 On the ‘Crisis of the Future’ and the Need for Utopia

As Franco Berardi (2009, author’s own translation) argued in *After the future*, at the beginning of the 20th century the future used to be imagined in a euphoric way, and the prospect of progress and social transformation shone on the horizon alongside promises of expansion and growth, development, reform, revolution and liberation. However, in the beginning of the 21st century, the future has come to be imagined in a rather decadent and melancholic way.⁹ Indeed, with the weakening of Fordist paradigms (welfare state, development, employment, and social security systems), humankind has come to face an unprecedented crisis of the reproduction of social forms. Neoliberalism brought along a wave of social disintegration, individualism, consumerism, competition, indebtedness and depression that, coupled with the imminent threat of climate catastrophe (climate anxiety), contributed to lower people’s expectations concerning the future. As illustrated in the cultural sphere, ideas and representations of the future have become

⁹ Franco Berardi mentions the enthusiasm of the Futurist movement, but one could easily extrapolate his analysis to the enthusiasm of the liberal-internationalist project of the 20th Century, the related institutional developments of international law throughout, or even the optimism of national liberation movements and of the ‘bandung spirit’, in contrast to the pessimism that arose with the crisis of multilateralism and liberal internationalism of the 21st Century.

dystopian, while, tragically, reality more and more came to resemble dystopias. Berardi named this phenomenon, the closing of the horizon of expectations, ‘the slow cancellation of the future’.

Mark Fisher (2009, 2) also had an interesting way of understanding the ‘crisis of the future’, which he called capitalist realism. According to him, this new state of affairs, symbolically inaugurated by Margareth Thatcher’s slogan ‘there is no alternative’ (also ‘there is no society’), Fukuyama’s ‘End of History’, and the fall of USSR, ‘capitalist realism’, means ‘the widespread sense that not only is capitalism the only viable political and economic system, but also that it is now impossible even to imagine a coherent alternative to it’. According to Fisher (2009, 7), capitalist realism is like a ‘pervasive atmosphere’ which acts as ‘a kind of invisible barrier constraining thought and action’, thus preventing social change through the dissemination of the idea that capitalism is the only viable system, and that it is impossible to imagine an alternative to it.

Fisher shrewdly noted that ‘capitalist realism’ colonised the imaginary not only of apologists of capitalism, but also of its critics. Accordingly, like powerful founding myths, the slogans ‘End of history’ and ‘There is no alternative’ somehow became entrenched in the ideology of our times, legal institutions and social thinking, causing the very idea and possibility of revolution, utopia, and future to disappear from social imaginaries. Politically, in this scenario of retraction of progressive struggles, uncertainty came to prevail over hope, and with ‘ideology’, Utopia and Revolution presumed dead, the management of the capitalist machinery became the only *realist* thing left, while the neoliberal restructuring of the state, globalisation, individualisation and competition, followed its course as a ‘naturalised’ sign of progress and ‘development’.

In the realm of politics, this ‘constrained atmosphere’ appeared in the way in which the utopian, futurist, progressivist and revolutionary projects of the 20th century, were relegated to the level of the unthinkable, while the only realistic, viable political alternatives should be to surrender to neoliberal

policies, market reforms and liberal democracy. In the realm of international law (then ‘turned’ to ‘institutions’, ‘pragmatism’ and ‘management’), ‘realist capitalism’ resulted in the loss of political engagement among international actors and lawyers, and in the erasure of ‘revolutionary’ spirit that resulted from the ‘Baku Conference’¹⁰, the ‘Bandung Conference’¹¹, and the NIEO (New International Economic Order) movement.¹²

In the field of international law, ‘capitalist realism’ pervaded the ‘international community’, decisively influencing the development of the discipline. Eventually, neoliberal ideology became a hegemonic common sense, constituting legal-political subjectivities and institutions (the WTO, for example), and causing a series of transformations in the international legal arena. These transformations, which came to be known as the ‘managerial’, ‘institutional’, ‘pragmatic’ or ‘technocratic’ ‘turns’ of the discipline, can be listed as follows. They 1) transformed international law into a technical, neutral, pragmatic, theory-averse tool oriented towards problem-solving, strengthening liberal institutions and positivist legalism; 2) raised the separation between politics and economics to the transnational level, consolidating a ‘neoliberal legality’ that advanced the globalist aspiration for an unified space for the free movement of capital, to the detriment of Third World sovereignty, welfare, development and social protection; and 3) resulted in the loss of political engagement among international actors and lawyers.¹³

¹⁰ On the anti-imperialist internationalist spirit that resulted from the First Congress of the Peoples of the East, held in Baku (1920), see Riddell (1993) and Riddell, Prashad and Mollah (2019).

¹¹ On the anti-colonial internationalist spirit that resulted from ‘Bandung’ Conference and the Tricontinental to the ‘New International Economic Order’, see: Robert Young (2006), Prashad (2007), Shilliam (2010), Bret Benjamin (2015), Pham and Shilliam (2016), Devetak, Dunne and Nurhayati (2016), Eslava, Fakhri and Nesiah (2017), Getachew (2019), Berstorff and Dann (2019).

¹² On the legal initiatives that came to be known as the New International Economic Order, please see Sauvant and Hasenpflug (1977), Agarwala (1978), Bedjaoui (1979), Laszlo (1980), Anghie (1981), Golub (2013) and Özsu (2017).

¹³ After the 1970s, prospects of radical transformation, reform and revolution, as well as utopian and revolutionary forms of prefiguration and imagination concerning the future were relegated to the realm of fantasy, bluntly declared outdated, unrealizable utopias, totalitarian ‘grand-narratives’. Even when some forms of critique were allowed, they mostly remained

As a result, a) 21st century international law became surrendered by the dynamics of private international law, to such a point that there has grown a widespread feeling that public international law is “dead” or “gone”; and b) International lawyers became ‘experts’, members of a technocratic elite, detached from the interests of the populations and nations they ‘represent’ and colonised by the interests of transnational capital. Finally, 3) constrained by the narrow possibilities of ‘capitalist realism’, international law lost its transformative potential (if it ever had one), becoming no more than a technical tool for the management of present crises. Unfortunately, I argue, with its obsession with measurement and progress, and its lack of capacity to generate the political engagement necessary for transformation, Agenda 2030 is an example of such a state of affairs of contemporary international law.

Faced with the ‘crisis of the future’, I propose a rescue of utopian thinking in international law. As written by Miéville (2016) in the preface to Thomas More’s *Utopia*,

We who want another, better Earth are understandably proud to keep alternatives alive in this, an epoch that punishes thoughts of change. We need utopias. That’s almost a given in activism. If an alternative to this world were inconceivable, how could we change it?

According to Ruth Levitas (2013), ‘The core of utopia is the desire for being otherwise, individually and collectively, subjectively and objectively.’ According to the author, Utopia is thus better understood as a method than a goal – a method for the Imaginary Reconstitution of Society. As put by her ‘(...) utopia as a method is concerned with the potential institutions of a just, equitable and sustainable society which begins to provide the conditions for grace’ (Levitas, 2013).

Finally, I intend to use utopian imagination to drive the international community’s gaze towards the future, challenging the dominant paradigm of

restricted to small isolated academic circles - ‘the crits’, and therefore would never reach mainstream.

liberal legalism. According to Douglas, Sarat, Umphrey utopian imagination seeks to ‘find its realization not in the dissolution of social arrangements and institutions but in their dialectical transcendence or radical improvement’ (Douglas, Sarat, Umphrey, 2014, 3) The authors also understand, based on Benjamin, that ‘Utopianism represents a form of resistance to commodity fetishism, a subversion of existing phantasms of the real.’ In this sense, two things deserve to be noted, one is the transcendental and subversive aspect of utopia as a method for building an alternative future, the other is its antithetical character to liberal legalism, highlighted by the authors. Both aspects are fundamental in the critique undertaken in this paper. Here we should also briefly mention Bloch’s concept of concrete utopia, which means both ‘a move from the purely fantastic to the genuinely possible’; but also ‘a move from the potentially fragmentary expression of desire to social holism, a move from speculation to praxis and to the social and political pursuit of a better world’ (Levitas, 2013, 6).

3.5 The Narcissistic Fantasy of International Law

In order to dispel the ideology of progress present in the Agenda and, in general, the fetishism of the law, this subsection delves into the ideological dimension of contemporary international law with an aim to demystify the illusory self-image that internationalists have 1) of themselves as cosmopolitan agents of progress, 2) of the international community as “saviours”, benevolent, true ‘embodyers of universalism’, ‘legal conscience of the civilised world’, and 3) of international law as a panacea for global problems, as synonymous with progress, development and modernity.

For Althusser, ideology is ‘a “representation” of the imaginary relationship of individuals to their real conditions of existence’ (Parfitt, 2019, 38). It is, then, possible to explain the ideological dimension of international law from the way in which internationalists imagine and narrate their relationship with the real world. It is therefore appropriate to examine the international legal discourse of universalism in order to identify this illusory self-image. It is

hoped that this procedure will expose and dispel these myths, narcissistic fantasies of international law, stressing its internal conflicts and, potentially, realising its Oedipal tendencies (Pahuja, 2005, 469).

In “The Autophagic Society”, Jappe proposes to think together the concepts of “narcissism” and “commodity fetishism”, indicating their parallel development. Or, more precisely, ‘showing that they are two sides of the same social form’. In the same terms, I propose to think of the narcissism of international jurists as the other face of the legal fetishism, as the representation of the abstracting tendencies of global capital itself, from which international law derives its principle of formal equality.

Modern international law was constituted as a discipline and acquired its legitimacy from narratives that associate it with the idea of Progress, understood as the evolution, advancement or improvement of humanity towards a (Kantian) ideal of peace, order and justice.¹⁴ Accordingly, these triumphalist narratives also associate the discipline with values such as humanism, liberalism and cosmopolitanism, attributing to international law a practically unquestionable status of universality, rationality and virtue. A good illustration of this is Article 1 of the 1873 Statute of the *Institut de droit international*, which laid down as the purpose of the institute: “De favoriser le progrès du droit international, en s’efforçant de devenir l’organe de la conscience juridique du monde civilisé.”

Throughout the 20th century, the international legal order was founded upon this very spirit of optimism, hope and ‘belief’ in progress: from 1919, to 1945, and to the 1990s, successive waves of optimism inaugurated, each time, new (supposedly) post-ideological eras of international law; “New World Orders”. As a result, however,

Rather than explore the centrality of international law to past and present processes of imperialism, exploitation, domination,

¹⁴ On the idea of progress and the theory of International law, see Skouteris (2009, 2016). On The Illusion of Progress, Unsustainable development and International Law and Policy, see Gillespie (2001) On the Kantian Theory of International Law, see Fernando R. Teson (1992).

recolonisation and elite identity formation, international law students and teachers idealise international law as a subject devoted to world order, humanitarianism, human dignity, peace and security. International law's favourite narratives are premised upon an image of the international community as the heroic agent of progress, security, order, human rights and democracy. (Orford, 1998)

Today, I argue, the self-image that international jurists (“international community”) have of themselves and of their roles continues to be that of “saviors”, unquestionable agents of progress, humanitarianism, global justice, and benevolence. Ideologically soaked in capitalist ideology, they continue to see themselves as the true embodyers of true universalism and, much like in 1873, to think of themselves as the “legal conscience of the civilized world”. It is worth recalling that, although formally, with the end of colonialism, the pattern of civilisation has lost strength, it still operates by other means, as Tzouvala has demonstrated. As a result, mainstream international theories are insufficient not only to make sense of the complex nature, depth and dimensions of the crises but also to propose the substantial, systemic, transformative changes needed to tackle climate change and achieve sustainable development globally. It is assumed that, rather than being ‘part of the solution’, or ‘progress’, international law (its institutions, norms and practises) is ‘part of the problem’, bearing a great deal of responsibility for the critical situation in which the world is found. In other words, mainstream approaches to international law (state-centric, formalist juspositivism and (neo)liberal cosmopolitanism) are incapable of subsidising the systemic transformations needed in the face of the enormous looming climatic challenge, for the achievement of an alternative sustainable future. This is so because they 1) ignore the relationship of the discipline with colonial and imperialist practices, hiding structural historical problems; 2) mystify the underlying antagonisms that make up capitalist international legal relations, such as transnational class divisions, dependency and the marriage between law and neoliberal forms of imperialism; and 3) fetishize the role played by

law(yers) in solving the world's problems, ignoring the structural limits of the legal form and concealing law's constitutive role in the reproduction of environmental injustice and unsustainable models of development.

4. “Transforming our Word”: Agenda 2030 for Sustainable Development SDGs

In light of the theoretical background previously developed, this section proceeds, finally, with the analysis of Agenda 2030 itself. Through critical discourse analysis, I seek to identify presences and absences, emphases and omissions, in order to understand the Agenda's dominant discourse order and its ideological underpinnings. The analysis is subdivided as follows: first, I present a general context of critique of international 'sustainable development' law. Second, I critically analyse the title of the document itself, interrogating its supposed universality, collectivity and worldview. Third, I deal with its perspective of action, change and transformation; fourth, I address the ideology of progress, technological fetishism and overreliance on economic growth. Finally, I deal with 'the absences'.

4.1 International 'Sustainable Development' Law

From the Stockholm Conference, through Rio 92, to Rio+20 and today, the subfield of international environmental law emerged in the context of the mentioned managerial, pragmatic, institutional turn in international law, which saw an unprecedented specialisation of the discipline, with a new focus on 'problem-solving' and a new dialogue interface with the 'scientific community'. Relatedly, 'sustainable development' emerged in 1987, in the *Brundtland Report*, making thus an unprecedented development on sustainability and development, and exposing conflicting interests between 'developed' and 'developing' countries. It is in this sense that one can speak of 'international law of sustainable development', understood as the law that

brings together the complex nexus between environment and development, having the ‘future’ of the new generations in perspective.

Many criticisms have been made of the controversial concept of sustainable development, in the sense (and here I only exemplify) that it is ‘business as usual’, anthropocentric, captured by corporate, private interests, that it conveys illusions with green capitalism; that it does not deal well with the North-South divide and the complicated equation between economy, society and environment.¹⁵ There is also recognised difficulty regarding the implementation of international environmental rules¹⁶; and criticism that Green Economy and international public-private cooperation initiatives are in reality ineffective, toothless, although disguised as solutions.¹⁷ This paper is inserted in this context of general criticism of the international law of sustainable development, appropriating some arguments of this discussion while developing other original ones in order to assess the SDGs potential of transformation.¹⁸

4.2 Transforming our World?

From the title of the document ‘Transforming Our World’, three points for consideration were selected. The first one regarding ‘transformation’. *What should be transformed and in which direction?* Very broadly, the preamble of the Agenda mentions the objectives ‘to take the bold and transformative steps which are urgently needed to shift the world onto a sustainable and resilient path’ and ‘transform the world for the better’ (par.91). By their turn, par.7,

¹⁵ For bibliography regarding the North-South divide in International Environmental Law, see Banerjee (2003), *Beyerlin*, (2006), Atapattu (2015), Kamal Uddin (2017)

¹⁶ On legal and political challenges for the implementation of international environmental rules and climate change policies, see: Meadowcroft (1999), Sands (2016), Daudy (2021)

¹⁷ On critical approaches to International Environmental Law, Green Economy and Sustainable Development, see Park, Conca and Finger (2008), Santamarina, Vaccaro and Beltran (2015), Liodakis (2010), Kotzé (2015), Deutz (2014), Okereke (2007), Hopwood, Mellor and O’Brien (2013), *UNRISD*, 2015).

¹⁸ On specific critiques of Agenda 2030 and the SDGs, see Merry, Davis and Kingsbury (2015), Koehler (2016), *Montes* (2016), Deacon (2016), Adelman (2017) and Hickel (2017, 2019, 2020).

par.8 and par.9 present the Agenda's 'supremely ambitious and transformational vision'. I argue that 'transforming our world' simply cannot achieve its objectives since it is constrained by 'realist capitalism', stuck in the technocratic illusion that it is enough to simply measure progress, manage crises instead of addressing the forms that underpin capitalist sociability.

Par.13 of the Declaration details the need for a 'new approach' in order to implement the goals: 'The challenges and commitments (...) are interrelated and call for integrated solutions. To address them effectively, a new approach is needed. In a way, a new approach is what I propose here. However, I argue, this new approach would only be capable of implementing the SDGs if it followed anti-capitalist principles and action. This means that, instead of 'business as usual', or 'legal theory-as-usual, transformation could be understood along Karl Marx's terms in Eleventh Thesis on Feuerbach, implying a focus on addressing the root of the problem (capitalist forms and their determinations) before it's too late. 'Two roads diverged in a wood, and I — I took the one less travelled by', said Robert Frost 'And that has made all the difference'. I argue that it is about time to pull the emergency break and take 'The Road not taken' (1915), thereby making a real difference in the way social relations are organised and resources distributed.

Still on 'transformation', one could ask: what is the degree of rupture and radicality of the transformation proposed in the Agenda? Here I recall the reflection upon the role and limits of law as a praxis of social transformation, pointing to law's structural limitation due to its commodity-form, and on the inexcusable importance of radical critique of legal ideology in order to radically transform the world. In this regard, I notice that the word 'action' appears 48 times in the document. There is even a chapter entitled 'A call for action to change our world'. This shows that there is, indeed, a big concern in the agenda for action (just see that in September 2019, the UN General Assembly proclaimed the Decade of Action for the achievement of the SDGs). However, it is not enough 'to act' without knowing exactly how and, more importantly, against what. The problem of unsustainable development

demands a direct confrontation of capitalism and its mercantile logic, which touches everything, devours everything. As Lenin (1901) wrote in *What is to be done?* ‘without a revolutionary theory, there can be no revolutionary movement’. It is in this sense that I argue in favour of the need to rescue utopian and revolutionary thinking, talk about the need to burst the bubble of capitalist realism that prevents us - the agenda - from thinking and acting for a better world.

4.3 ‘Our’ World?

Secondly, I look to the ‘our’ in ‘Our World’, questioning the Agenda’s universality, liberal strand of cosmopolitanism, and reliability on capitalist legal subjects and individuals for transformation. To put it bluntly: in these individualistic times, is it possible to speak of “our” world (“we the peoples”, as in par.52) when the very existence of a collective political subject has been liquidated (decomposed) by neoliberalism? When social bonds have been eroded, replaced by competition and entrepreneurial ideology? When attempts to reform the global economic system, proposed under the New International Economic Order¹⁹ were overthrown by neoliberal counterrevolution? Here I recall section 2’s reflections on the ideological function and narcissistic fantasies of international law.

It is worth then asking: who is the ‘us’ of which the agenda speaks about? For that, I highlight three moments in which the Agenda gives the contours of what it understands by ‘us’, and thus manifests its idealised cosmopolitanism, its abstract universalism. First, par. 4 reads “As we embark on this great collective journey, we pledge that no one will be left behind”. By conjugating a transnational class approach to international law (Chimni, 2010; Rasulov, 2008 and 2018) and a reading of international law as a specific social field (Bourdieu, 1987; Dezalay, 2017), it is possible to criticise this idealised and abstract notion of collectivity conveyed therein. Based on that,

¹⁹ For literature regarding the International Economic Order, please refer to footnotes 11 and 12.

it is also possible to argue in favour of the (re)construction of a popular, class-based, community, collective subject of transformation.

Second, on ‘Means of Implementation’, par.39 provides that

The scale and ambition of the new Agenda requires a revitalized Global Partnership to ensure its implementation. We fully commit to this. This Partnership will work in a spirit of global solidarity, in particular solidarity with the poorest and with people in vulnerable situations. It will facilitate an intensive global engagement in support of implementation of all the Goals and targets, bringing together Governments, the private sector, civil society, the United Nations system and other actors and mobilizing all available resources.

Much can be said about this call for Global Partnership and spirit of global solidarity. The importance attributed by the Agenda to the theme of cooperation is great, given that, in an attempt to harmonise the other goals, SDG 17 appeared precisely with the purpose to ‘Strengthen the means of implementation and revitali[s]e the global partnership for sustainable development’. However, it is worth questioning par.39’s self-image of heroic cosmopolitanism and the idealistic foundations of this call for solidarity in the face of the asymmetrical realities of material inequality and dependency that constitute the imperialist international order. The Agenda recognises the principle of ‘common but differentiated responsibilities’ (par. 12), but it should be noted that doing so is not enough, given that the imperialist competitive structure of a globalised world ordered from and for the accumulation of capital is incapable of sustaining a new global partnership ‘for sustainability’. Besides the inequality between the first and Third worlds (and within nations), the power of the private sector, business, to influence the agenda seems much greater than that of civil society and especially of the Transnationally Oppressed Class (workers, peasants, women, indigenous peoples, minorities, Third World peoples, (Chimni, 2006). I argue here, then, that this global solidarity necessarily requires a recomposition of the

collective political subject, so that this ‘we’ in the agenda can actually represent the peoples and the ‘wretched’ of the world.

Finally, the self-proclaiming language of par.50 exemplifies the mainstream eurocentric and triumphal narrative which I have named ‘the narcissistic self-image of international law’. par. 50 reads: ‘Today we are also taking a decision of great historic significance. We resolve to build a better future for all people, (...) The world will be a better place in 2030 if we succeed in our objectives.’

4.4 ‘World’?

Here I question the ideological foundations of the ‘world’, as articulated in the Agenda, unveiling the ideological reality (“worldview”) in which ‘global leaders’ and distinguished ‘international lawyers’ are submerged. I address the dominant ideology, hegemony of corporate interests that ‘capture’ the Agenda, making it a toothless soft law instrument, subordinate to the movements of global capitalist accumulation and to the imperialist arrangement.

As already mentioned, today, it is easier to imagine the end of the world than the end of capitalism; we face a choice between the end of nature or the end of capitalism (ecosocialism or barbarism). It is worth, thus, asking: which world does the international community aims at with this transformation? Just a ‘better world’ or a ‘new’, ‘alternative’ world? Paragraphs 14, 15, 16 and 17 of the Agenda present the Agenda’s conception of ‘Our World Today’ as challenge, but also opportunity, and the optimistic tone regarding the progress made so far stands out.

4.5 Ideology of Progress: Legal Fetishism, Technology and Growth

Another feature that becomes evident in the analysis of the Agenda is its obsession with the idea of progress. In the Agenda, this so-called ideology of progress appears in at least four distinct ways. First, the word ‘progress’ appears 31 times in the Agenda, mostly in the sense of recording and

‘tracking’ progress towards the achievement of goals, targets and indicators, or, optimistically, as reference to the ‘progress made so far’. This reveals what I call an empiricist obsession of the Agenda with the SDGs. Second, the ideology of progress appears in the historical and ideological sense, as the idealistic notion that a better future is certain, linear, inevitable, and that law is an instrument to achieve this goal. The ideology of Progress in this sense permeates the entire document.

Thirdly, the ideology of progress appears in the form of technological fetishism, which I understand as a belief that technological fixes (or tricks) will simply solve global problems. Already in the preamble appears the expression ‘technological progress’. par.15 regards ‘The spread of information and communications technology and global interconnectedness [as] great potential to accelerate human progress, (...)’. Par. 28 makes a call for ‘(...) Governments, international organizations, the business sector and other non-state actors and individuals’ contribute to (...) to strengthen (...) scientific, technological and innovative capacities to move towards more sustainable patterns of consumption and production’; and par. 41 mentions the ‘(...) mobilization of financial resources as well as capacity-building and the transfer of environmentally sound technologies to developing countries. (...).

Furthermore, central to the Agenda, ‘technology’ appears in several SDGs, cutting across different themes and targets: SDG 1 ‘End Poverty’, target 1.4; SDG 2 ‘End Hunger’, target 2.a; SDG 4 ‘Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all’, target 4.b; SDG 5 ‘Achieve gender equality’, target 5.b; SDG 6 ‘Water and sanitation for all’, target 6.a; SDG 7 ‘Energy for all’, targets 7.a and 7.b; SDG 8 ‘sustained, inclusive and sustainable economic growth, full and productive employment for all’, target 8.2; SDG 9 ‘Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation’, targets 9.4, 9.5, 9.a, 9.b, 9.c); SDG 12 ‘Ensure sustainable consumption and production patterns’, target 12.a; and SDG 14 ‘Conserve and sustainably use the oceans,

seas and marine resources for oceans, seas and marine resources for sustainable development’, target 14.a. By its turn, SDG 17, ‘Strengthen the means of implementation and revitalize the global partnership for sustainable development’ devotes a specific section to the topic of technology, which appears in SDGs 17.6, 17.7, 17.8, 17.16. Finally, par. 70 launched the Technology Facilitation Mechanism.

It is worth saying that it is not a question here of taking a stance against technological development. Technology should, on the contrary, be seen as an ally of the revolutionary transformation of the world, and in this sense, the Agenda is correct in betting on technological progress. The problem is that this belief in the technological fix or trick cannot ignore central issues such as class struggle, the relations of production that make up technology, as well as bypass the necessary political engagement for transformation, as is the case with the Agenda.²⁰

Finally, the ideology of progress appears in the Agenda in the form of an over-reliance on and naturalisation of economic growth made throughout the agenda. The word ‘growth’ appears 17 times, mostly as ‘sustainable, inclusive and sustained economic growth (par.3, par.9, par.13, par.21, par.29, par.67 e par.68). SDG 8, Specifically, vows to ‘Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all’. Despite the reference to ‘sustainability and inclusiveness’ and promises to make ‘(...) fundamental changes in the way that our societies produce and consume goods and services.’ (par. 28), I argue that SDG8 continues to reproduce the same destructive patterns of accumulation, typical of capitalist development.

4.6 Final Considerations on the SDGs

The central point I seek to make with my structural critique of the Agenda is a radical one: under capitalism, all SDGs are compromised. If it is not capable

²⁰ For historical-materialist critiques of technology, alienation, and fetishism, see Marx (1867) Marcuse 1964), Feenberg (2002), Sarewitz (1996), Canguilhem (2008).

of transcending its own paradigms, which limit its transformative potential, the Agenda will not achieve its objectives. In fact, the challenge is twofold: it is necessary to increase ambition and also break down its theoretical-epistemological limits. The same goes for the commitment to the juridical-moral capitalist ideology of the rule of law (which structures the Agenda and keeps capitalism working ‘on its own’): breaking it down for the sake of a new sociability and relationship with nature is needed. However, in Paragraphs par.10, par.11, par.12 and par.13, the Agenda declares ‘full respect’ for international law, which is, however, imperialist violence itself, in Miévilles terms.

Another aspect that stands out when examining the Agenda is its fragmentation. This criticism is made by many studies that point to the need to think from the multidimensionality, trade-offs, synergies, nexus between the goals, as well as to think the agenda in a holistic way (Hickel, 2019; Koehler, 2016). In fact, no matter how much the Agenda emphasises the integration and interdependence between the goals, its instrumental reasoning is only capable of measuring fragments of reality. This allows for ‘cherry-picking’ approaches to measure ‘progress’. Thus, not dialectical, the Agenda’s rationality loses sense of the totality, the dimension of the social whole, and the whole is precisely where the relations of production are structured. An example of this is SDG 1, which measures poverty only in econometric terms and thus isolates the problem of poverty from ‘social reproduction’ and the other SDGs.

Finally, I address the ‘blind spots’ of Agenda 2030. The document represents the future in a linear, teleological, optimistic way, believing in the ideology of progress. However, as demonstrated, the reality of neoliberalism and capitalist realism points to different experiences of the future - dystopian. Global threats point to the need for a break, rather than progressive change, within the same capitalist quadrants, as the Agenda does. Hence the need to identify the absence of the elements of anti-capitalist rupture in the discourses and instruments of international law. In this sense, among the most notable

absences from the document are the words ‘Revolutionary’, ‘Critique’, ‘Class’, ‘Utopia’, ‘Radical’ all the appear zero times, which is no surprise considering the mainstream narrative that underpins the international legal language of this instrument. Interestingly, words like ‘Green growth’, ‘Green economy’, ‘Commons’, ‘Accumulation’, ‘imperialism’, and ‘Capital’ appear only one time each, and the same occurs to words like ‘Civilization’, ‘commodity’, ‘colonial’. This is interesting because it demonstrates that words central to capitalist development as ‘commodity’, ‘capital’, ‘accumulation’ and more recently the ‘green economy’, and also for the expansion of international law, such as ‘civilization’ and ‘colonial’ have been strangely left out of this instrument of struggle for the future, even though dealing with the impact of these phenomena is essential to actually transforming the world.

As I interpret, these absences show that the Agenda is incapable of addressing and recognizing the conflicts, contradictions and social structures that cause and perpetuate unsustainable development. It is unable to recognise the destructive colonising power of the value-form, capitalist obsessions with growth and accumulation, imperialism, global patterns of accumulation, the power of corporations; of denouncing the commodification of life and nature, of acknowledging the determining role of capitalist relations in the metabolic rift of the human-nature relationship, among others. The structural limitation of the Agenda is thus evident: via the instrument, it is simply impossible to think of an alternative future and to propose the necessary rupture to avoid climate chaos.

Finally, there is one last notable absence in ‘transforming our world’: the word ‘historic’ appears just twice in the Declaration, and both times in the self-proclamatory sense of the document, and never as a reference to the past. This demonstrates at least three things: firstly, it reaffirms the narcissistic self-image that the internationalists have of themselves, as benevolent agents of historical progress and development, which conceals a dangerous illusion. Secondly, the absence of the term history reveals the high degree of

abstraction and generalisation of the legal language used in the Agenda. This high degree of abstraction and generalisation renders the Agenda completely de-historicized and de-politicized. Indeed, as seen, there is no mention at all of the imperial and neo colonial role played by corporations and Global North countries in the constitution of the world-economy and of its structural inequalities, which are mainly responsible for the North-South divide that cuts across International Sustainable Development Law. Thirdly, as a consequence of such a de-historicized approach to law and global governance, the Agenda reveals that its own conception of the future is frail, too abstract, and therefore detached from real, material concerns of people. If the road to the future winds its way through the past, there is no way to build a better future without taking history into account.

5. Conclusions

In today's scenario of 'crisis', the 'struggle for the future' has become a central concern of the international community. The 2030 Agenda has become one of the main legal instruments aimed at reversing the climate impacts of human action and unsustainable development. In a scenario of social disintegration and advanced climate crisis, aggravated by the Covid-19 pandemic and the economic crisis triggered there, a series of discussions on 'resumption', 'healing', 'way out' of the crisis, 'global reset', 'green new deal' started to appear, thus renewing the importance of the Agenda as an instrument for ensuring a future for the new generations.

In light of that, this study has undertaken a foray into the ideological dimension of international legal form in order to question the dimensions of this struggle for 'a better future', the Agenda's ability to achieve the changes it aims for. In other words, it assessed its capacity to 'transform the world'. It found that, as ambitious, complex and noble as its vision and purposes may be, and as measurable as its goals and targets may be, the 2030 Agenda has structural limitations due to its legal form and its belief in the ideology of

progress. A-historical, and faithful to its juspositivist (state-centric), technicist (technical-instrumental reason) and liberal (imperialist) paradigms, the Agenda operates within the framework of a decaying liberal order, of 'realist capitalism', being incapable of proposing and delivering an alternative future to humankind.

Specifically, the study showed how the agenda abstracts the main gears of destruction of the system (capitalist relations of production), refraining from breaking them in the name of a new form of sociability and restricting itself to a simple maintenance of order and progress, management of 'the ruins' of the present. Also, by not questioning the central elements of capitalism, its 'autophagic' tendencies, international law itself became devoid of the revolutionary perspective needed to effectively transform the world, that is, to stop the inexorable march of the autophagic society of growth and accumulation towards the abyss of climatic chaos (environmental catastrophe, global eco-apartheid, etc.)

Thus, although being a complex 'superstructure', technically very well developed through a commendable legal-diplomatic effort, the Agenda does not have the capacity to exercise an effective and efficient "return action" on the capitalist 'base' relations of production. Under capitalism, even the achievement of the SDGs themselves is compromised.

The current challenge faced by humankind requires no less than imaginative capacity, political radicalism and resolute action towards the radical transformation of society towards an alternative future ("system change not climate change!"). So far, nothing guarantees that in 2030, international society will not have to meet again, in a spirit of global solidarity, to design a new agenda with renewed objectives for 2050. In this sense, the present work poses a provocation to the international community and jurists who naively believe in the transformative potential of the Agenda without confronting capitalism; and who 'pragmatically' believe that simply preserving present legal and political forms and institutions and measuring progress without serious political engagement should be enough to achieve

the necessary ‘transformation of our world’.

In 2001, at the World Social Forum in Porto Alegre, the slogan ‘another world is possible’ was coined. However, after successive crises, somewhere down the road this slogan seems to have lost its force and *raison d’être* - much like Bandung. I argue that it is time to summon back the ‘spirit of Porto Alegre’. The time has come to engage in ideological dispute in order to recompose the collective political subject and the capacity to imagine another world again, stretch it until a breaking point is reached, so as to burst the bubble of realist capitalism. It is a political challenge after all, and this dispute necessarily involves a radical commitment, a critical reflection on law and its role in the reproduction of capital, as well as a restoration of revolutionary anti-colonial, anti-racist, anti-imperialist internationalist theory (which seems to be totally absent in the Agenda).²¹

Finally, the research points decisively to the need to rethink the world, to recover our collective capacity of imagination beyond value, and to break through the ideological barrier of realist capitalism, restoring utopian thinking and reclaiming the idea and action of revolution and organised social struggle (empowerment of local actors, communities and social movements). It is my understanding that only by doing this it will be possible to make global ‘calls for action’ to ‘transform our world’ more than ineffective rhetorical tropes.

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²¹ On anti-colonial, anti-racist and anti-imperialist international (legal and IR) scholarship, see Persaud (1997), Mutua (2000), Dei and Asgharzadeh (2001), Anghie (2004), Chimni (2006, 2017b). Anti-imperialism. Badung, Henderson (2013), Bhambra et al. (2020), Squeff (2021).

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