

OPEN PEER REVIEW

Decolonizing International Law: The Impact of Postcolonial Theory on Legal Norm Formation

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1. Round 1

1.1. Reviewer 1

Reviewer:

The phrase “deep entanglements with empire, conquest, and racialized hierarchies” is impactful but could be supported with a brief citation or example to demonstrate how international law explicitly facilitated imperial expansion in practice.

attribution is accurate or if the citation should be corrected.

The description of the “standard of civilization” doctrine would benefit from a citation to classic legal sources or historical treaties that explicitly operationalized this concept.

The discussion of Said, Bhabha, and Spivak is strong, but consider adding publication years for their seminal works to situate their influence chronologically within postcolonial scholarship.

The sentence “For instance, the discourse on human rights frequently presupposes liberal individualism...” could be expanded with an example (e.g., UN declarations) to illustrate how indigenous collective rights have been excluded or co-opted.

The paragraph discussing institutional imbalances in the UN and WTO should incorporate updated statistical or governance data (e.g., number of representatives, voting patterns) to substantiate the claim of structural asymmetry.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The sentence “Legal structures that were ostensibly created to govern relations between sovereign equals in practice functioned to justify and perpetuate imperial domination” is foundational. However, a concrete historical case (e.g., the Berlin Conference or League of Nations mandates) would enhance clarity and authority.

The mention of “Third World Approaches to International Law (TWAIL)” is important, but a concise definition or elaboration would be helpful for readers unfamiliar with the term. Consider briefly describing its main tenets and contributions.

The quotation from Chantal Thomas is cited as (Willey-Schapit, 2023), which seems inconsistent. Please verify if this

When mentioning “legal doctrines such as terra nullius and uti possidetis”, including a brief explanation of how these doctrines still influence modern boundary disputes (e.g., in Africa or Oceania) would strengthen the argument of legal continuity.

The reference to epistemic violence is appropriate. However, the article could be improved by providing a concrete example of how legal education or UN documentation contributes to this silencing.

The rhetorical questions “whose norms are being codified, and whose voices are heard?” are compelling. Still, the article would benefit from examples of recent norm-forming events (e.g., COP meetings or WTO rulings) that excluded Global South participation.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.