

REIMAGINING JURISDICTION AND SOVEREIGNTY THROUGH TWAIL

PERSPECTIVES

Third World Approaches to International Law (TWAIL) has been pivotal in influencing the ways in which we view and re-evaluate the domain of international law today. TWAIL is a critical, complex, and intentionally open-ended approach which looks to identify imperial legacies and continuities in the coding of international law and develop strategies for a more progressive and equitable present-day order. TWAIL, as a movement, actively promotes the appreciation of multiple identities and pluralism while challenging universalist modes of reasoning in international law.

TWAIL's theoretical interventions have significant implications in the contemporary context. The growing 'internationalization' of human rights, property rights, financial instruments and the like through globalization has rendered the world more entangled, while also more sharply divided. This internationalization has fundamentally altered how we understand the scope of jurisdiction and its exercise by States as well as different adjudicatory bodies. For instance, the call for a Special Tribunal on Ukraine is a stark reminder of the nature of global interconnectedness, transnational legal concerns as well as the structural limits of the International Criminal Court (ICC). This forces us to re-evaluate the doctrine of jurisdiction, as well as the nature and limits of the concept itself. Closer to home, the *Enrica Lexie* incident raises similar questions of accountability, responsibility, and immunity in this complex sphere of international governance.

In sum, the scope of jurisdiction and its extraterritorial applications are fundamentally linked to how we view the concepts of State sovereignty, governance, and territory. Therefore, the exercise of such jurisdiction – and the theoretical underpinnings and justifications for it – also raise important questions of academic concern for the TWAIL project to grapple with.

NLSIR SPECIAL ISSUE VOL 35(2)

As part of Volume 35(2), the National Law School of India Review ("NLSIR") will be releasing a Special Issue focusing on the interactions of TWAIL with ideas of jurisdiction, extraterritoriality, statehood, and sovereignty. NLSIR hopes to provide a platform for intellectual exchange and critical analysis of these evolving – and often uncritically accepted – concepts of international law across a variety of scholars and disciplines. It aims to create and promote understanding on discourse in these areas through TWAIL, with a special emphasis

on cross-cultural engagement. We welcome contributions from scholars working on different subject-matters including but not limited to civil law, criminal law, trade and investment law, human rights law, and other areas.

VISION FOR THE ISSUE

The vision behind the Issue owes its origins to [Prof. B.S. Chimni](#)'s path-breaking article titled "[The international law of jurisdiction: A TWAIL perspective](#)". In his work, Prof. Chimni highlights the need to critically (re)view the categories of 'territory' and 'extraterritorial.' He argues that the technical and neutral description of jurisdiction in international law neglects the historical, social, and political dimensions of it. In doing so, he identifies that critical theory would need to problematize and deconstruct these categories, and what underlie them. This requires historical, sociological, and other contextual enquiry on the meaning, scope, and consequences of the exercise of sovereignty, territorial and extraterritorial jurisdiction. NLSIR's Special Issue is a step towards advancing this vision for (and of) TWAIL.

Keeping with our aim to promote cross-cultural engagement, the Issue will feature a *response* to Prof. Chimni's Article from [Prof. Chimène Keitner](#), a leading scholar of International Law and American Civil Jurisdiction. Prof. Keitner will also be acting as **Guest Editor** for this Special Issue. Her response will explore instances where territorial and jurisdictional borders are not congruent (e.g., universal jurisdiction).

[Prof. Rohini Sen](#), a scholar on Critical Approaches to International Law, will offer a *General Introduction* to the Issue, locating it within different TWAIL traditions and their engagement with mainstream international law. Prof. Sen is also guiding the journal in her capacity as **Advisor** for this Special Issue.

Prof. B.S. Chimni will provide an *Afterword*, with general reflections and takeaways from the Special Issue.

The Special Issue will include both invited as well as submitted contributions. We cordially invite scholars from diverse areas of study to be part of, and provide their own contributions to, this unique Special Issue.

FORMAT

MODE OF SUBMISSION

Interested authors are requested to submit their draft submissions to both the mail.nlsir@gmail.com and the Digital Commons Platform by creating an account [here](#). For further instructions and clarifications for submissions on the Platform, please refer to this [guide](#). **Submission on both platforms is necessary** for the drafts to be considered for the review process. In case of any queries please reach out to us at mail.nlsir@gmail.com.

WORD LIMIT

The recommended word limit for every submission is between 2500-3500 words. **1st September 2023** will be the last date for submitting entries.

SYMPOSIUM

Once the Issue is finalised, we will invite all authors of the Special Issue to be part of a Symposium conducted as a roundtable discussion (in virtual mode), towards the end of December. The transcript of the same will be published on the website.