



**THE IEL COLLECTIVE
INAUGURAL CONFERENCE
6 – 7 NOVEMBER 2019
UNIVERSITY OF WARWICK, COVENTRY, UK**

**UNLOCKING INTERDISCIPLINARY INTERSECTIONS OF NEOLIBERALISM –
LINKS BETWEEN THE WTO AND THE ICC**

**Christine Schwöbel-Patel
School of Law, University of Warwick, Coventry, UK**

‘It is surely no coincidence’, muses Martti Koskenniemi, ‘that only three years separated the establishment of the World Trade Organisation (WTO 1995) and the International Criminal Court (ICC 1998). But just how those projects relate together may be hard to decipher [...]’.¹ The market and international criminal justice intersect in various ways, whether this is the exclusion of structural crimes in the ICC’s Rome Statute or the (related) narrowing of the idea of global justice to prevent redistribution. But, in which ways did international economic lawyers and international criminal lawyers create a system based on the extraction of surplus value from the Global South on the basis of racial capitalism? In my paper, I will focus on a particular trade agreement between the EU and its former colonies in the Global South, namely the Cotonou Partnership Agreement. The Agreement between the EU and the African, Caribbean, and Pacific group (ACP) sought to integrate the ACP states into the market through (WTO-compliant) free trade agreements between unequal partners – revoking some of the previously bargained trade preferences benefiting the ACP states. And it also, intriguingly, obliges member states to sign and ratify the Rome Statute. I will illustrate that one of the missing links between the international trade regime and the international criminal justice regime lies in the locking in of the ‘propertisation’ of resources in the Global South.

¹ Martti Koskenniemi, ‘Foreword’ in Immi Tallgren and Thomas Skouteris (eds.) *The New Histories of International Criminal Law: Retrials* (OUP 2019) v-vi.