

## STATE SOVEREIGNTY, POPULISM AND THE DE-INTERNATIONALIZATION OF THE LAW

JUAN SEBASTIÁN VILLAMIL RODRIGUEZ  
University of Rosario, Colombia.

PhD candidate at the Autonomous University of Madrid and former advisor of the Colombia's General Attorney's Office, has been professor at the National University of Colombia and the Rosario University. His fields of interest cover public law in general but more specifically the relation between International Law and Constitutional Law.

**ABSTRACT:** The process of globalization has contributed to the protection of the fundamental rights due to its significant impact to the emergence of a social public sphere. The technologies of the communication have allowed to the media to expose effectively the wrongdoings that governments commit to their people. Despite the many flaws of these advances, and the risk that distortions like the fake news may provide a negative effect to democracy, the globalization has created a public opinion of the international community that has a great potential for the promotion of international law, rights and values. In this sense, it is true that the platform offered by the globalization to the human rights organizations, NGOs and the independent media allows a better control of what's happening around the world and, therefore, permits to preserve the founding values of the international community. However, it should not be ignored, that globalization, with its defects as it has been managed up to now: lack of governance and focus on the monetary value of exports, and diminish of value of people, has incentivized severe violations of rights in the sometimes uncontrollable business of international investment, as well as a growing inequality rate.

These situations have led to increasing unconformities and to the emergence of many populist movements that resist international law. Unfortunately, the consequences of a poorly regularized globalization have led us to a permanent situation of crisis, in which the lack of resources to implement the values of the international community has conducted to the almost inevitable failure of attempt of the international law to keep peace and enforce human rights.

The drop-back that has occurred in the matter of the internationalization is a natural result of the growing pressure that globalization has put on the state sphere of power that has reacted through actions, such as the commercial war waged between the US and China, in which the US has recurred to protectionist methods, that contradict the values of the economical globalization. The recent attitudes adopted by the developed countries towards the international law and free trade reflect a crisis in the process of globalization; emerging protectionist governments like that of Donald Trump decelerate the progress of the protection of rights around the world, together with the good aspects of the globalization.

From the perspective of the human rights this situation can also be considered in the rapidly increasing defiance that the states hold against the institutions and norms of international law. Irresponsible politicians and authoritarian governments have begun a campaign for the further dismantling of the rule of law, specifically, of the international law; a mistake very similar to the one committed before the collapse of the League of Nations and the occurrence of the Second World War. National authorities now follow the trend of rejecting the

international law of human rights, marking the start of the process of the de-internationalization of the law.

**KEYWORDS:** INTERNATIONALIZATION OF THE LAW, GLOBALIZATION, POPULISM, STATE SOVEREIGNTY.