



 **REPORT**

How and Why Do Double Standards Matter for International Law?

Report on the Conference Proceedings

15–17 May 2025 • Geneva, Switzerland



**The Double
Standards Project**

www.doublestandardsproject.org

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For further information about the Double Standards Project, please visit www.doublestandardsproject.org

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PROGRAMME

How and Why Do Double Standards Matter for International Law?

15–17 May 2025, Geneva, Switzerland

Day 1 Thursday, 15 May 2025

8:00 – 8:30 *Registration*

8:30 – 8:45 **Welcome Remarks**

– Nico Krisch, David Hughes, Patryk Labuda, Naz Modirzadeh, Dustin Lewis

8:45 – 10:15 **Panel 1 — Great Power Competition, Exceptionalism, and Double Standards**

- Discussant: Sophie Eisentraut (Munich Security Conference, Germany)
- Federica D'Alessandra (British Academy, UK) — *Double Standards and Great Power Competition*
- Victor Kattan & Andrea Pelliconi (Nottingham University, UK) — *Get Used to Double Standards: Ukraine, Gaza, and the so-called Rules-Based Order*
- Congyan Cai (Fudan University, China) — *Double Standards in International Law as Means of Practicing Great Power Competition*
- Asaf Lubin (Indiana University, US) — *Shades of Legal Nuance: A Functional Analysis of Intelligence Doubletalk*

10:15 – 10:30 *Coffee Break*

10:30 – 12:00 **Panel 2 — Double Standards and (Perceived) 'Existential' Threats**

- Discussant: Alice Pirlot (Geneva Graduate Institute, Switzerland)
- Florence Shako (High Court of Kenya, Kenya) — *Double Standards in the Global Response to the Climate Change and Energy Crisis*
- Eliana Cusato (University of Amsterdam, Netherlands) — *Injustice or Misfortune? Double Standards and 'Climate Carnage'*
- Dalia Palombo (Tilburg University, Netherlands) — *Protecting Corporate Property: Is Climate Change a Game Changer?*

12:00 – 14:00 *Lunch*

14:00 – 15:30

Panel 3A — Double Standards, Forced Migration and Technological Innovation PARALLEL

- Discussant: Ana Srovin Coralli (Geneva Graduate Institute, Switzerland)
- Bríd Ní Ghráinne (Maynooth University, Ireland) — *Double Standards in Forced Migration Law*
- Mariam Hiba Malik (ICRC, Switzerland) — *Algorithmic Fairness or Automated Bias: How AI Asylum Systems Reinforce Double Standards in International Refugee Law*
- Safaa Jaber (Hamid Bin Khalifa University, Qatar) — *Digital Technologies and Humanitarian Crisis*
- Christopher Szabla (Durham University, UK) — *“Weaponized Migration” and Prima Facie Protection on Europe’s Eastern Borders*

14:00 – 15:30

Panel 3B — Double Standards and International Legal Institutions

PARALLEL

- Discussant: Evelyne Schmid (University of Lausanne, Switzerland)
- Carl Emilio Lewis & Birte Annika Böök (TMC Asser Institute & Utrecht University) — *Intimations of Double Standards through the ICJ*
- Lorenzo Gasbarri (Scuola Superiore Sant’Anna, Italy) — *Double Standards by Design: National and International Personnel in the Law of International Civil Service*
- Peter Tzeng (Foley Hoag LLP, US) — *Presuming the Good Faith of States before International Courts and Tribunals*
- Shubham Jain (University of Cambridge, UK) — *Double Standards off the Playing Fields*

15:30 – 16:00

Coffee Break

16:00 – 17:30

Panel 4 — Bias, Cognition, and Structures of Double Standards

- Discussant: Anne Saab (Geneva Graduate Institute, Switzerland)
- Marizia Marastoni (Geneva Graduate Institute, Switzerland) — *Unveiling the Double Standards in International Legal Scholarship*
- Moshe Hirsch (Hebrew University Jerusalem, Israel) — *Frame Analysis and the Double Standard in the Regulation of Digital Trade in the WTO*
- Ekaterina Yahyaoui Krivenko (University of Galway, Ireland) — *The Function of the Principle of Equality as a Double Standard in International Human Rights Law*

17:30 – 17:45

Coffee Break

18:00 – 19:30

High-Level Diplomatic Forum, Part I — Keynote

- Naz Modirzadeh (Harvard Law School, US) in conversation with Danilo Türk (Former President of Slovenia)

Day 2 Friday, 16 May 2025

8:30 – 9:00

Coffee

9:00 – 10:30

Panel 5 — Double Standards and Legal Argumentation

- Discussant: Patryk Labuda (Central European University, Austria)
- Nico Krisch (Geneva Graduate Institute, Switzerland) — *Double Standards and their Limits in International Law*
- Chimène Keitner (UC Davis School of Law, US) — *In Search of Principled Constraints on Internal and External Reason-Giving in International Law*
- Yussef Al Tamimi (Central European University, Austria) — *Practices of Mourning in International Law*
- Alejandro Chehtman (Universidad Torcuato Di Tella, Argentina) — *Combatant Privilege of Guerrilla Groups, Private Military Security Companies, and Foreign Fighters*

10:30 – 11:00

Coffee Break

11:00 – 12:30

Panel 6 — The Rhetoric, Performance and Weaponization of Double Standards

- Discussant: David Hughes (Trinity College, University of Toronto, Canada)
- Timothy Waters (Indiana University, US) — *Ambiguous Tools: International Law's Strategic Deployment of Hypocritical Method*
- Olga Magomedova (Russian Academy of Foreign Trade, Russia) — *Context Creating: Unrevealed Mission of Whataboutism*
- Niccolò Ridi (King's College London, UK) — *Three Views of a Secret: The Structural Embedding of Double Standards in International Law*
- Tommaso Soave (Central European University, Austria) — *The Theatrics of Legal Argument*

12:30 – 13:45

Lunch

13:45 – 15:30

High-Level Diplomatic Forum, Part II (Chatham House Rule) — Diplomatic Panel 1: Double Standards in Global Trade and Climate

- Moderator: Joost Pauwelyn (Geneva Graduate Institute, Switzerland)
- Martins Paparinskis (Chair, International Law Commission)
- Amb. Vilawan Mangklatanakul (Former Thai Ambassador to Austria and Permanent Representative to the UN in Vienna)
- Aashish Chandorkar (Indian Mission to the WTO)
- Gabrielle Marceau (Honorary Professor, University of Geneva; former Senior Counsellor, WTO)

15:30 – 16:00

Coffee Break

16:00 – 17:45

Diplomatic Panel 2: Double Standards in Human Rights, Humanitarian and Criminal Law

- Moderator: John Packer (University of Ottawa, Canada)
- Nada Tarbush (Counsellor, Permanent Observer Mission of the State of Palestine to the UN)
- Amb. Dino Patti Djalal (Former Vice Minister of Foreign Affairs, and Chairman, Foreign Policy Community of Indonesia)
- Amb. Tormod C. Endresen (Permanent Representative, Norwegian Mission to the United Nations)
- Cordula Droege (Chief Legal Officer and Head of the Legal Division, ICRC, Switzerland)

19:00

Conference Dinner (workshop participants only)

Day 3 Saturday, 17 May 2025

8:30 – 9:00

Coffee

9:00 – 10:30

Panel 7A — Conflict, Accountability, and Double Standards

PARALLEL

- Discussant: Dustin Lewis (Harvard Law School, US)
- Alka Pradhan (Attorney, US) — *“Separate and Unequal”: The Military Commissions of Guantanamo Bay*
- Katharina Stein (Max Planck Institute Freiburg, Germany) — *Lawfare and the Fragility of the Jus ad Bellum / Jus in Bello Divide*
- Yahli Shereshevsky (University of Haifa, Israel) — *Equality of Belligerents and Double Standards in Armed Conflicts*
- Hendrik Simon (Peace Research Institute Frankfurt, Germany) — *Justifying War, Scandalizing Violence*

9:00 – 10:30

Panel 7B — Trade, Sanctions, and Unequal Application of International Economic Law

PARALLEL

- Discussant: Thomas Schultz (University of Geneva, Switzerland)
- Iryna Bogdanova (University of Luxembourg) & Luigi Lonardo (University College Cork, Ireland) — *Unilateral Economic Sanctions: Is It Really ‘the West versus the Rest’?*
- James Devaney (University of Glasgow, UK) — *Unilateral Sanctions, Double Standards and the Undermining of the International Rule of Law*
- Alexandr Svetlicinii & Xueji Su (University of Macau, China) — *International Trade Governance of Dual-Use Items*

THE DOUBLE STANDARDS PROJECT

10:30 – 11:00 *Coffee Break*

11:00 – 12:15 **Roundtable Discussion**

- Moderator: Nico Krisch (Geneva Graduate Institute, Switzerland)
 - Rapporteur: Alejandro Chehtman (Universidad Torcuato Di Tella, Argentina)
 - Ardi Imseis (Queen's University, Canada)
 - Katia Papagianni (Director, Mediation Support and Policy, Centre for Humanitarian Dialogue)
 - Anna Dolidze (Member of Parliament, Former Deputy Minister of Defence, Georgia)
-

12:15 – 12:30 **Closing Remarks**

Acknowledgements

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The organizers wish to express their gratitude to all speakers, participants, and attendees for their invaluable and thought-provoking contributions, nuanced insights, and empathetic engagement with what were often challenging conversations. Their participation helped create a collaborative environment that fostered meaningful discussions and facilitated a respectful exchange of ideas.

We would also like to acknowledge the outstanding commitment of the research assistants from the University of Ottawa: Honora Nedwidek, Jenna Seydioglu, Mina Kitani, Noor Elsabagh, Niku Shaeri, Nehemie Surin, and Shanze Mirza. Their support was instrumental to the success of the conference and the preparation of this report.

Introduction



GENEVA GRADUATE INSTITUTE · 15–17 MAY 2025

International law promises to apply universally, yet few still believe this. This is because, in significant part, double standards have become ubiquitous features of the international legal system. Non-governmental organisations that monitor violations of international law regularly report that legal standards and accountability are unevenly realised, issuing press releases and reports documenting when different standards are applied to some but not others. Accusations of double standards are also frequent features of inter-governmental meetings, shaping debates on a range of issues from international peace and security in the Security Council, to the fairness of climate change obligations during the drafting of the Paris Agreement, to contests over internet regulation at the International Telecommunications Agency. Perceptions of double standards have now become a central theme animating public discourse over the wars, humanitarian catastrophes, and responses to ongoing events in Ukraine, Sudan, Myanmar, and Gaza.

All of this prompted UN Secretary General Antonio Guterres to tell the 79th session of the General Assembly in 2024 that efforts to ensure basic principles of international law require an absence of double standards. Yet the persistence of these double stand-

ards raises questions and doubts about something more fundamental. At a moment when the post-war international order shows real signs of strain, accusations of double standards have become the language through which states, civil society, lawyers, and ordinary citizens express doubt over whether international law can bind the powerful as readily as it disciplines the weak, and whether it remains a project worth defending at all.

The Double Standards Project began in 2023 as an attempt to engage debates over these and similar concerns. Led by international law scholars, the project's guiding questions include: what constitutes a double standard and who decides? When does consistency matter most and when is a departure from it defensible? How do claims of double standards affect how international law is made, enforced, taught, practiced, perceived, and trusted? And, ultimately, how should the discipline respond to this growing phenomenon? To address these questions, The Double Standards Project organized a series of events. In 2024, conferences, workshops, and panel discussions in Berlin, New York, and Ottawa were convened and co-organized with institutional partners from the Berlin-Potsdam Research Group at Freie Universität Berlin, Harvard Law School's Program on International Law and Armed Conflict, and the Human Rights Research and Education Centre at the University of Ottawa. Each gathering brought a different group into the conversation, drawing scholars, diplomats, and practitioners from across the globe into dialogue with one another to establish the foundation for the Project's work.

This dialogue culminated in the Project's largest event to date and the subject of this report. From 15–17 May 2025, The Geneva Graduate Institute's International Law Department and Global Governance Centre hosted the conference 'How and Why Double Standards Matter for International Law?' Participants from more than 20 countries were represented. Academics from leading universities sat alongside practitioners from international organizations and NGOs. Current and former ambassadors joined a sitting Member of Parliament, the Chair of the International Law Commission, and a former Head of State. The result was a rare point of convergence between the academy, state officials, and representatives of the institutions that put international law into practice each day.

The programme matched the range of participants. Panels examined double standards in great power competition, climate change, forced migration, digital technology, inter-

national courts, sport governance, the law of armed conflict, and the architecture of trade and sanctions. A keynote conversation and two high-level diplomatic forums, held under the Chatham House Rule, set the academic discussion against the perspective of those who negotiate, litigate, and mediate on the world stage. A closing roundtable brought the themes of two and a half days into conversation. Five themes ran across nearly every session, regardless of subject matter, and structure the remainder of this report.

Five Themes Across the Conference

The following five themes recurred across nearly every panel, regardless of subject matter, and structure the remainder of this report.

1 The definition of double standards

The first theme concerned the definition of double standards. This seemingly simple question eluded agreement throughout the conference. Few offered an explicit definition, as the term was more often asserted than examined. Yet how it was understood, even where that understanding was unstated, shaped how the concept was applied to the conduct under discussion. The same set of facts could be read as a double standard, a justified distinction, or mere inconsistency depending on how one understood the underlying term. These varied understandings usually suggested that a double standard was inherently pejorative. Sometimes it was considered a neutral description. At other times, the assumption seemed to be that if differential treatment was justifiable, it did not constitute a double standard at all. Further understandings of the term implied that double standards were embedded in how a legal rule was written, how it was applied to a particular case, how it was enforced, how an institution was designed, or how a state argued its position in public.

Divergent definitional assumptions were further complicated by the term's relationship to several adjacent concepts, like hypocrisy, selectivity, bias, and whataboutism. Many panels treated these concepts as overlapping with double standards, as their causes, or as their synonyms. Each term, in turn, carried its own unresolved questions. Whether hypocrisy requires an intention to deceive or simply describes any gap between what an actor claims and what it does remains open. Participants also con-

sidered if selectivity is itself a double standard or only becomes one once it lacks a credible justification. Whether whataboutism merely deflects from a real wrong or can sometimes expose one was argued in both directions across different panels. These discussions made clear that the larger debate about international law and double standards could only be advanced if the invoked concepts were better defined and working meanings more coherently established.

2 Telling justified distinctions from double standards

The second theme considered when a given difference in treatment constitutes a double standard, and when it amounts to a justified distinction. International law regularly treats actors, situations, and obligations differently. Which instances of that differential treatment amount to a double standard, which reflect a justified distinction, and which fall somewhere in between, was among the questions that ran most persistently through the conference's discussions.

These discussions matter because without an agreed set of normative criteria for distinguishing justified differences from damaging double standards, there is no consistent basis to assess whether a different treatment advances a desirable outcome or simply the interest of those with the power to set and break rules. Across panels covering a wide range of topics, participants repeatedly found themselves considering whether a particular difference in treatment was justified and, more fundamentally, what the criteria for justification should be. Some grounded their assessments in capacity and historical responsibility, others in sovereignty and formal equality, and others still in the identity and conduct of the actors involved. In several cases, the same example was read by different participants as a clear double standard and as a defensible legal distinction. These discussions made clear that, however difficult to draw, the line between a justified distinction and a double standard needs to be established, since without it neither international legal defences of differential treatment nor the critique of double standards has a principled foundation.

3 Enforcement versus design

The third thread concerned whether double standards are always the product of inconsistent behaviour or whether they can also arise from structural and institutional conditions. Several panels found double standards embedded in institutional rules that

treat actors differently by design, in cognitive habits that make some conflicts register more than others, and in legal categories inherited from an era when sovereignty itself was distributed unequally. In each case, the unevenness survived even when every individual involved acted in good faith, since the bias sat in the rule, the category, or the habit of attention rather than in any single decision.

This made the problem harder to fix than a case of deliberate favouritism, because there was no single actor to hold responsible and no single decision to reverse. Accordingly, the panels pointed to two distinct types of double standards. The first arises in how a rule is enforced. Here, an individual or a state chooses to apply a rule unevenly in a specific instance, which means the problem can, at least in principle, be corrected by more consistent practice. The second type of double standard is built into the rule's design or the structure of international law. These result from how a system was designed or a rule written from the outset, which is often shaped by the states with the greatest power to influence the lawmaking process. Addressing these double standards means rethinking the categories and institutions that produced the rule. This distinction matters for how scholars and institutions perceive, study, and address double standards. A critique aimed only at enforcement will not fix a double standard built into the law's design. However, the debates revealed that the two categories were often conflated and treated as the same problem.

4 Accountability or deflection

A fourth theme considered the purpose of the double standards critique. Few accusations are levelled more commonly and with such force in global politics. States, institutions, and commentators reflexively claim double standards whenever a rule seems to favour one side over another. However, alleging or identifying double standards is rarely itself a neutral act. While it can be a tool for a weaker party to demand consistency from a stronger one, it can equally be a tool that a stronger party uses to discredit a rival's claim and shield itself from criticism, without examining the claim's substance. Accordingly, how and when accusations of double standards are advanced can itself also be vulnerable to double standards.

Many of the double standards identified during the conference prompted a closer look at what the accusation itself was doing. That scrutiny took several forms across the panels, including a discussion of whataboutism as a structural feature of legal argu-

ment rather than a fallacy to be dismissed, a worry that a demand for consistency can be satisfied by treating everyone worse rather than by lifting the disadvantaged, and a concern that delegitimizing an imperfect tool like economic sanctions could leave states with nothing but military force as an alternative. These discussions showed that the double standards critique can be a genuine call for accountability, demanding that like cases be treated alike. But they also demonstrated that it can be a way of shielding an actor from scrutiny, shifting attention from what was done to who is making the claim. Distinguishing between these functions is notoriously difficult because the language often looks the same irrespective of whether the critique is doing real work or none at all. A legitimate demand for accountability can then be waved away as mere deflection, and an actual deflection can succeed because it sounds like a legitimate demand. Which actors can assume an entitlement to distinguish between a legitimate demand and mere deflection is likely to generate further controversy. Yet distinguishing between such usages is both necessary and productive, for it would let the double standards critique work as an effective demand for consistency where consistency is owed, and make it easier to recognize when the same language is being used only to distract from the conduct actually at issue.

5 Double standards, hypocrisy, and their absence

A fifth theme converged on a counterintuitive recognition about double standards and hypocrisy alike. A system riddled with double standards and hypocrisy is still a system in which a seemingly shared standard is being invoked, even by the actors violating it. Accusations of double standards and hypocrisy only carry force because those standards are assumed to apply to everyone. Several participants argued that the absence of common standards is more troubling than the presence of double standards and pointed to the present moment as evidence. States increasingly decline to justify their conduct at all, no longer maintaining even the pretence of being bound by a shared standard. If double standards and hypocrisy are permanent structural features of international law rather than occasional failures that better conduct could correct, distinguishing between their preserving and delegitimizing functions becomes essential for those seeking a fairer and more functional international system.

This report offers a fuller account of the conference, organized panel by panel and session by session. Two of the sessions – the diplomatic forums on global trade and cli-

mate, and on human rights, humanitarian law, and criminal accountability – were held under the Chatham House Rule. Nothing in this report attributes a view to a named individual from either session. The same approach extends to every other session, including the more conventional academic panels. The report's purpose is not to record who said what, or to attribute a particular position or sentiment to any one participant. Rather, it aims to capture the conversation as a whole, the arguments advanced, the ideas that emerged, and the questions that remained at the conclusion of each session. What follows should be read in that spirit.

▶ PANEL 1

Great Power Competition, Exceptionalism, and Double Standards

Discussant: Sophie Eisentraut · Munich Security Conference, Germany



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The opening panel examined the relationship between double standards and contemporary great power competition. The panel began from the premise that double standards have become a major phenomenon in international politics, that their growth is bound up with the intensification of geopolitical rivalry, and that the result is corrosive for the norms underpinning international relations. Hard questions emerged concerning the nature of that link as the discussion considered whether competition between great powers produces double standards, makes them more visible, changes the way we argue about them, or does all three at once.

The discussion traced the link to the structure of the competition itself. As great powers compete for economic, technological, and military dominance, other concerns

give way to strategic calculation, and this loosens the constraints on breaking international law because smaller states allied to a great power gain more latitude to act without constraint, protected by their patron, while the great powers themselves, no longer held in check by a functioning multilateral system, pursue their interests more aggressively. When states see competition as zero-sum, they grow more willing to break international law wherever it obstructs what they regard as a core interest, and assume also that they can do so without consequence. The result is a distinct kind of great power actor whose conduct both deepens existing double standards and creates new ones.

Accusations of double standards are rarely neutral. They are made to an audience and for a purpose – and that purpose is often to weaken international law rather than to strengthen it.

A second strand of the discussion acknowledged that double standards and great power competition are both long-standing and, in a sense, normal features of the international system. It was suggested that double standards have come to matter most in the post-Cold War era because of the expansion of a more universal conception of international law. During the Cold War, the Soviet Union and its satellites stayed outside many Western-built institutions, so there were at least two different orders running side by side. Today, all the great powers belong to the same regimes, and all profess respect for a single body of international law, treating it as more effective than purely political or military means. It is that shared profession of fidelity that makes inconsistency conspicuous and damaging in a way it could not be when the rules themselves were contested between separate systems.

This observation prompted a recurring disagreement about when the present unraveling began and what it signifies. One view dated the turning point to the mid-2000s, with the US invasion of Iraq in 2003 followed by Russia's invasion of Georgia in 2008, after which a group of states began to advance alternative rules or alternative readings of existing rules, corroding the idea of a single international rule of law. On this account, the bigger change was less the return of geopolitical rivalry, which has always been present, than the collapse of the US-led liberal order and the universality it claimed. There was some agreement that double standards have always been embedded in international law. While diverging on the remedy, the panel recognized that the

candour with which leaders now acknowledge their intention to depart from international norms is novel. This raised a discussion as to whether there is value in defending a system that continues to marginalize those within it.

Much of the discussion concerned how double standards are conceptualized, although most participants agreed that the term lacks a precise definition. This gave rise to a useful distinction between the types of double standards that emerge through law-making and law-enforcement. Some double standards are written into the law itself, such as the privileges great powers hold in the Security Council. These, it was suggested, have been justified as the price of cooperation, notwithstanding the principle that all states are equal before the law. A second form of double standards occurs when states apply or enforce existing law in inconsistent ways. This can occur when a state criticizes another for breaching a regime it has not itself joined, as with US criticism of China for violating the UN Convention on the Law of the Sea, to which the United States is not party. A further framing of this notable distinction identified the unequal or selective application of the same rule, applied one way for allies and another for adversaries, or the creation of more than one rule covering the same subject so that a state may choose whichever serves its interest.

The panel often returned to the theme that accusations of double standards are rarely neutral. They are made to an audience and for a purpose, and that purpose is often to weaken international law rather than to strengthen it. Revisionist powers, and several middle powers in the Global South, deploy charges of Western hypocrisy to justify their own approach to international law. It was important, on this view, to distinguish accusations meant to be destructive from those voicing genuine grievance, and to separate the tactical, operational, and strategic ends such accusations serve. Some noted a danger in that the debate seemed to open too much space for the implied claim that a world of double standards is preferable to one with no standards at all.

Using the example of espionage, parts of the discussion pushed against the assumption that any of this turns on the relative power of the parties, suggesting instead that intelligence practice follows a script applied uniformly across cases, with two postures held at once. In public, states perform for their audience, but, in private, they manage the situation between themselves differently. The malleability of the practice lets parties adjust in real time. This raises important questions about what counts as the state practice we should be measuring when we discuss double standards. If we focus

solely on public talk, we miss how states actually behave, which bears directly on customary international law. The two-element test for custom was criticized as too narrow, and toleration was offered as a category that international lawyers tend to treat as mere politics rather than as something of legal significance.

The closing discussion asked why criticism of double standards seems to fall so unevenly. It was acknowledged that Western states are easier to criticize because they claim to be democracies and have promoted the rule of law, making the charge of inconsistency stronger than with authoritarian states that make no such underlying claim. Yet the same countries that denounce double standards by the major powers often act no differently when a comparable situation touches their own interests. Beneath these exchanges sat a recognition that the great powers do not all want the same thing, and that distinguishing among them matters, leaving open whether states are better served by complying with the existing order or building something new.

▶ PANEL 2

Double Standards and (Perceived) 'Existential' Threats

Discussant: Alice Piriot · Geneva Graduate Institute, Switzerland



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The second panel turned to climate change and the energy crisis. It asked what the language of double standards reveals about the way international law responds to threats that are slow, diffuse, and unevenly distributed. The panel began by noting a contrast in urgency. The legal system reacts with great force to sudden and visible harm, such as a terrorist attack, while treating the systematic devastation caused by climate change as something closer to bad weather. When understood as a double standard, that contrast becomes a question about consistency. Through the lens of double standards, the panelists considered how international legal responses prioritize certain forms of suffering as demanding action and why the systematic harm of climate change, which is far greater in scale than the sudden violence the law privileges, commands a less urgent response. This pushed the discussion past the harm itself and toward the choices that produce the imbalance, namely what counts as violence, whose losses are recognized, and who is held responsible. Those choices, rather than the climate impacts in isolation, became the focus of the discussion.

The example of climate change accentuated a gap between historical responsibility and present obligation. States in the Global North built their wealth on fossil fuels and now press the Global South to decarbonize quickly, often without delivering the finance and technology that would make a rapid transition possible. The promised flows of climate finance have not materialized at anything near the scale required, which leaves vulnerable countries facing the choice between rising debt and meeting climate targets set by others. The East African Crude Oil Pipeline project illustrated the pattern. The Global South is criticized for expanding fossil fuel use to meet its own energy and development needs at the same time as Global North states have turned back to fossil fuels, reopening coal plants, to secure their own energy supply during the Russia-Ukraine war. The charge of hypocrisy in that contrast is hard to dismiss, though the panel noted that exposing it does not settle the separate question of whether the project itself respects the rights of the people living along its route. A counter-accusation, the panel acknowledged, can be accurate and still leave the original concern undressed – this is part of what makes accusations of double standards and hypocrisy so confounding, as both things can be true at once.

Whether a harm counts as misfortune or injustice is a choice. Once made, the language used to describe that choice ends up reinforcing it.

The party levying the accusation may be exposing a real inconsistency but may also be deflecting from conduct of its own that deserves scrutiny. Much of the discussion considered how climate harm is described and on the way those descriptions reflect a prior choice about responsibility. Using terms like ‘disaster’ or ‘natural misfortune’ points the law toward the affected state and its own duties. This allows the major emitters to recede from view. International disaster law was discussed as having exactly this cushioning effect, absorbing the shock of catastrophe while displacing the distributive questions that a catastrophe ought to raise. Calling the same harm an injustice, the product of wrongful acts and decisions, brings liability, reparations, and structural reform into view. Whether a harm counts as misfortune or injustice is a choice. Once made, the language used to describe that choice ends up reinforcing it. This is why, it was suggested, major emitters and small island States have argued past each other before international courts. The major emitters describe climate change as a misfortune that carries no liability, while the island states, who live with

the damage rather than watch it from a distance, insist it is an injustice that demands repair.

The same tension surfaced over investor-State dispute settlement. The European Union is moving to free itself from investor-state dispute settlement (ISDS) at home, withdrawing from the Energy Charter Treaty after finding that arbitration claims threatened its ability to legislate on climate. Yet, it was explained, it continues to promote investment protection and arbitration in its dealings with the Global South. The pattern was described as a system kept for the rest of the world but abandoned for Europe. If arbitration obstructs climate action in Europe, it obstructs climate action everywhere, since the atmosphere does not recognize the distinction. This bolstered the critique that the EU treats this system as incompatible with its own climate goals while continuing to promote it elsewhere – a way of maintaining privilege while claiming to enact change. It was noted, however, that the picture is not simply one of the West against the rest, since elites within the Global South have their own reasons to keep these arrangements in place when they serve domestic interests.

Throughout, the panel considered whether the language of double standards adds anything that established ideas like discrimination, inequality, and injustice do not already capture. Some saw the value of the double standards critique in its demand for consistency, which can strengthen the legitimacy of the law. Others worried that it is too narrow, since climate injustice is not only a matter of treating like cases alike but of structural inequality that a consistency test would not reach. This fed directly into a sharper definitional dispute. Several participants questioned whether principles such as common but differentiated responsibilities can or should be framed as double standards. The prevailing view was that, while two standards apply, it is not a case of double standards, because the differentiation between polluter states and the rest is anchored on grounds of equity, historical responsibility, and capacity rather than on arbitrariness or favouritism. That distinction mattered for the conference as a whole. Not every difference in treatment is a double standard, it was argued by some, and one of the panel's primary contributions was to insist on distinguishing the two while leaving open the worry that reforming an unequal system may simply reproduce its inequalities in a new form.

▶ PANEL 3A

Double Standards, Forced Migration and Technological Innovation

Discussant: Ana Srovin Coralli · Geneva Graduate Institute, Switzerland



GENEVA GRADUATE INSTITUTE · 15–17 MAY 2025

The panel began by considering four propositions about displacement, asylum, and humanitarian technology. Each, in turn, considered the gap in protection between refugees and internally displaced people, the use of artificial intelligence in asylum decisions, the framing of migration as a weapon on the EU's eastern borders, and the increasing use of digital tools for humanitarian work. By exploring these issues through the lens of double standards, the panel considered how the law and its institutions extend protection unevenly to people with comparable needs. This posed an overarching question that ran throughout the conference as to whether, if an institution treats one group differently from another, does that difference track a plausible factual distinction, or does it dress up hierarchy or inequality as principle? The panel gave a split answer, finding certain distinctions justified and exposing others as double standards that could not be distinguished on defensible grounds.

A plausibly justified distinction emerged in the treatment of refugees and internally displaced persons. The two groups have much in common. They often flee for the same reasons, lose contact with family, cannot return home, and a person can pass from one category to the other by crossing a border in either direction. The panel considered why the legal treatment of both categories of individuals is different. A refugee has lost the protection of their own state, so another state must take over, while the internally displaced person remains a citizen whose government still owes them duties. The distinction, it was suggested, is justified because it answers to a real difference in circumstance. A refugee has no state to turn to and so needs another to stand in, whereas the internally displaced still have a government that bears responsibility for them. The difference in treatment, therefore, answers to a difference in who is responsible for protecting each group, not to a judgment or indefensible bias about which of them matters more. This reasoning, however, has challenges and omissions. It assumes the home state will protect its citizens, yet when that state is itself the persecutor, the internally displaced person is left with the weaker regime and no government willing to help them.

No technology is neutral, since adopting one reshapes the communities it enters and decides who holds power over whom.

Elsewhere in the discussion, the forms of differentiated treatment that were considered proved harder to defend. This was because the identified double standards were primarily based on who people were rather than what they needed. Asylum systems in Germany and the United Kingdom, for example, have begun using algorithms to triage claims before an official reads them, ranking applicants by nationality, dialect, biometrics, and earlier movement. The law requires each claim to be weighed on its own facts and without discrimination, so a process that pre-sorts by origin works against the very obligation it is meant to serve. When Russia and Belarus directed migrants from the Middle East and elsewhere toward the EU's eastern border, the EU cast them as weapons of a hostile state and pushed them back, while welcoming Ukrainians who fled the same Russian aggression under temporary protection. It was suggested that race and culture accounted for part of the gap, with Ukrainians fleeing war set against 'mere' migrants from the Middle East and North Africa, even if these groups also fled conflict in their home regions. The differentiated treatment was

furthered because the EU viewed Russia as a threat to European interests. The EU, the panel suggested, eased the path for Ukrainian asylum-seekers partly to rebuke the conduct of a foreign foe.

Pressed on why these patterns persist, the panel pointed to the technologies that humanitarian agencies depend on and to the assumption that they are neutral as part of the explanation. Biometrics, drones, and data systems are treated as practical tools that simply make aid work better, but the panel argued that no technology is neutral, since adopting one reshapes the communities it enters and decides who holds power over whom. The demand for data has fallen unevenly, deployed on people from the Global South but not required for those, such as Ukrainians, whose protection the West has chosen to prioritize. Reading this as a double standard is useful because it exposes a difference in treatment that cannot be explained by any difference in need, only by who the recipients are and where they sit in the global order. What looks like efficiency, on this view, sorts people much as the other double standards do, and it does so while presenting itself as neutral and humane. The panel identified but ultimately left open questions about whether tools of this kind can be made to serve the people they process, or whether the imbalance is written into how they are built and who controls them.

The panel suggested that exposing a double standard is only the start. Naming an inconsistency does little on its own. The discussion pressed toward the institutions that produce these distinctions and the interests they serve. The difficulty, as the panel identified it, is that the power to decide which differences count, and which are dressed up as principle, rests with states and institutions rather than the people impacted by these choices. There was also some wariness about the demand for consistency in response to identified double standards since these calls can be turned against the vulnerable and used to justify treating everyone worse rather than helping those who are disadvantaged. This led to concerns about whether the institutions to which such calls are directed can be reformed from within, or whether the unevenness is built too deeply into how protection is designed and who designs it.

▶ PANEL 3B

Double Standards and International Legal Institutions

Discussant: Evelyne Schmid · University of Lausanne, Switzerland



GENEVA GRADUATE INSTITUTE · 15–17 MAY 2025

The panel shifted attention from the conduct of states to the institutions of international law. By discussing the International Court of Justice (ICJ), the law governing international civil servants, the bodies that run world sport, and the way courts treat the promises states make to them, the panel asked how double standards work inside the bodies meant to administer international law. This can occur in at least two ways, as double standards are argued inside these institutions and they are also generated by the institutions themselves, through rules and choices that favour some over others despite formal professions of neutrality or impartiality.

Before the ICJ, accusations of double standards can operate as a form of argument. The panel described how a party can press a double standards critique even without ever naming it explicitly by letting a contrast emerge from which facts it sets side by

side. In its proceedings against Israel, South Africa placed Israeli officials' own words next to its account of the killing in Gaza, so the same conduct would read as brutal when attributed to one side and acceptable when committed by the other, and it warned the Court that the Palestinians were no less worthy of protection than groups it had shielded before. What makes this notable is that the critique here works as a tool of legal argument rather than mere political complaint, shaping how the Court reads the evidence before it.

The German Doppelmoral means something closer to double morality – the unevenness exposes a deeper failure of moral consistency in those who claim to uphold the rule.

Elsewhere, the panel described how double standards are generated by the institutions themselves. The law of the international civil service writes double standards directly into its rules by giving locally recruited staff the same duties as their internationally recruited colleagues but weaker protection and fewer entitlements. The bodies that govern world sport produce double standards while claiming to stand above politics. This was described in relation to when they sanctioned Russia over Ukraine but did not extend similar sanctions in relation to Israel's conduct in Gaza. In each case, the panel described how the institution creates the inconsistency itself, presents the result as even-handed, and ends up favouring the powerful.

The same scrutiny of institutional unevenness led the panel to discuss a line of cases that ran against the pattern, where a court's uneven handling worked in favour of the vulnerable rather than the powerful. When a state is taken to court over alleged breaches and promises to behave, the ICJ is generally expected to accept that promise in good faith and decline to intervene. Yet across a series of disputes, the ICJ has doubted the assurances it was given, refused to extend that presumption, and ordered protective measures anyway. It did so where the record gave it reason to doubt that the promising state would keep its word. Had the Court accepted every promise at face value, the people it was meant to protect would have been left exposed to the very harm at issue. Here, the departure from a single standard was the principled choice, which sat uneasily beside the other examples, where departure from it was the abuse.

The panel had little confidence that law could correct these problems on its own. Law can reduce inconsistency, but it can only do so much, and a great deal depends on how the lawyers and officials inside these institutions choose to argue and act. The difficulty grew sharper when the panel tried to define double standards and found no shared definition. Some treated the term as a matter of plain unfairness, others as something built into the rules, and others as a reflection of the power behind a given decision. The idea even varied across languages, with the German *Doppelmoral* meaning something closer to double morality. That difference is telling, since it suggests the objection is not only that a rule was applied unevenly but that the unevenness exposes a deeper failure of moral consistency in those who claim to uphold the rule. It was suggested that without a settled definition an accusation of inconsistency can reply that the difference was justified since there is no common standard to measure against. This gives the critique of double standards a clear limit: it can expose unequal treatment, but it cannot by itself say which inequalities are defensible and which are not. What the panel established most firmly was that some of this unevenness is built into the institutions by design, reproducing the inequalities they claim to have left behind. Correcting it would mean changing how these institutions are structured and who holds power within them — a far larger task than exposing any single double standard.

❖ PANEL 4

Bias, Cognition, and Structures of Double Standards

Discussant: Anne Saab · Geneva Graduate Institute, Switzerland



GENEVA GRADUATE INSTITUTE · 15–17 MAY 2025

The panel took a distinctive approach to the conference theme, shifting attention away from state behaviour and institutional practice toward the cognitive and structural conditions that allow double standards to persist. The ensuing discussion asked why double standards endure, and what it is about the way humans think, define concepts, and organize knowledge that enables inconsistency to survive within legal systems that claim universal application.

By considering international human rights law, international legal scholarship, and trade law, the discussion challenged the common belief that double standards are the product of conscious hypocrisy. Looking beyond intentionality, the panel considered how divergent manifestations of double standards can be expressions of structural biases that are embedded in the definitions we use, the scholarly communities we

inhabit, and the mental shortcuts we rely on when processing complex information. From this perspective, double standards are built into international law in a different, albeit equally significant way.

Representativeness bias operates largely below conscious awareness – acknowledging its existence is a necessary precondition for a more genuinely inclusive scholarship.

The principle of equality in international human rights law, despite presenting itself as neutral, was shown to have been shaped by those already in a position of privilege. When marginalized groups seek inclusion, they are typically required to demonstrate similarity to an existing norm rather than to challenge or adapt it. Those who considered themselves already equal tended to set the terms on which others could come under the protection of emerging human rights regimes, which resisted more transformative demands. Far from representing a break with this logic, international human rights law has in many respects entrenched it. The double standards visible in contemporary debates around gender, including within UN bodies, are predictable expressions of a bias written into the principle of equality from the outset.

The discussion also examined structural double standards in international legal scholarship itself. Drawing on publication data from leading international law journals, the panel identified a pattern of geographical concentration. Western countries dominate the scholarly conversation to a degree that publication trends in non-Western journals often replicate. It was suggested that countries experiencing humanitarian crises in the Global South receive a fraction of the attention given to crises in Europe or North America. This matters because scholarship shapes which episodes become precedents, which situations generate normative reflection, and which go largely unremarked.

Cognitive psychology offered a way of explaining this pattern, and the panel drew on the concept of representativeness bias – the tendency to judge situations by how closely they resemble a familiar example. When armed conflict occurs in Europe, it violates a deeply held image of the continent as peaceful. This, in turn, triggers an outpouring of legal attention. Conflicts in parts of the world where violence is stereotypically expected generate far less scholarly urgency, even when they are more severe.

Because representativeness bias operates largely below conscious awareness, acknowledging its existence was presented as a necessary precondition for a more genuinely inclusive international legal scholarship that can overcome double standards in how legal themes, questions, and cases are selected.

The panel also looked at the WTO moratorium on customs duties for digitally delivered products as a telling illustration of how cognitive frames sustain double standards. The moratorium overwhelmingly benefits developed countries, which dominate digital exports, while products of major importance to developing economies continue to face high tariffs. The dominant framing of the debate, centred on innovation, free data flows, and global progress, constitutes determinations about what appears relevant and what is neglected. In doing so, we allow a deeply inconsistent arrangement to present as coherent and principled.

The resulting discussion considered how these forms of bias might be addressed. There was broad agreement that cognitive dimensions are important ways to understand the relationship between double standards and international law. Unless lawyers, scholars, and policymakers examine the assumptions embedded in their categories and the uneven attention they give to different situations and actors, formal commitments to equality and universality will continue to generate double standards even where none are explicitly intended. The panel left open the question of whether such corrections are achievable within existing frameworks or whether double standards are so ingrained that they require more fundamental reform.

▶ KEYNOTE

Law, Restraint, and the Return of History

Naz Modirzadeh (Harvard Law School, US) in conversation with Danilo Türk (Former President of Slovenia)



GENEVA GRADUATE INSTITUTE · 15–17 MAY 2025

The keynote conversation set the conference's academic discussions against a broader historical and political background. Where the panels examined how double standards appear and operate within specific domains of international law, the keynote stepped back to ask what the proliferation of double standards says about the international order as a whole, what international law is ultimately for, and how lawyers and scholars should respond when the institutions they work within appear to be lacking legitimacy. Part of the answer offered was that what feels like collapse may be better understood as a return of history, a reassertion of patterns of power politics that were always present but were, for a period, partially obscured by the appearance of shared normative commitment.

Law, in this view, is fundamentally a restraining force. Politics generates a constant pressure toward flexibility, toward special treatment for allies, toward arrangements that serve immediate interests rather than shared principles. Law exists to resist that pressure, to hold even powerful actors to standards they cannot simply set aside when inconvenient. Seen this way, double standards are not just a failure of consistency but a failure of the rule of law itself, a symptom of politics reasserting itself over legal con-

straint. There is a meaningful difference between an international legal system, binding on all and grounded in shared obligation, and the looser idea of a rules-based order, which leaves open the question of who makes the rules and on whose terms they are applied. The conversation pressed hard on this distinction and on the need to defend the former rather than settle for the latter.

Double standards are not just a failure of consistency but a failure of the rule of law itself – a symptom of politics reasserting itself over legal constraint.

The keynote conversation also considered how these contemporary debates are situated within a broader historical perspective. Double standards are not new, and, it was suggested, the current moment may say less about the collapse of an international order than about the erosion of a particular post-Cold War optimism in which the appearance of normative consensus briefly made the underlying tensions less visible. What is genuinely new about the present situation, as opposed to what has always been true of international law, is a question that requires careful empirical and historical analysis. The shrinking space for multilateral institutions, the paralysis of bodies designed to facilitate collective action, and the diminishing role of smaller and middle-power states in shaping international outcomes are real and significant developments, but they sit within a longer history that needs to be understood more precisely before too much weight is placed on claims of unprecedented crisis.

The keynote closed by asking what international lawyers can and should do in response. Critiquing double standards has obvious value, but doing so rigorously and honestly means acknowledging the limits of what law can achieve as well as defending what it can. While it was suggested that eliminating double standards is beyond reach, efforts should be taken by international lawyers to reduce the scope and frequency of double standards by demonstrating when the international legal order falls short of its own commitments, and resisting the slide from critique into a cynicism that abandons the project of international law altogether.

▶ PANEL 5

Double Standards and Legal Argumentation

Discussant: Patryk Labuda · Central European University, Austria



GENEVA GRADUATE INSTITUTE · 15–17 MAY 2025

The panel explored the various ways, reasons, and justifications for how international law makes distinctions. Examples from the discussions showed how states are treated differently depending on their power, history, and commitments; how international law grants different rights to different categories of combatants; and when it creates spaces in which some forms of suffering are formally recognized, and others are not. This panel asked when those distinctions amount to double standards, if they can ever be justified on principled grounds, and whether the difference between the two is always as clear as it might seem. The discussion ranged across legal argumentation and the use of force, the structure of international humanitarian law, the practices through which international institutions accommodate, or fail to accommodate, grief and loss, and broader considerations about why accusations of

double standards have become so pervasive and how they challenge international law's legitimacy.

A central question running through the discussion was whether differentiated treatment in international law always constitutes a double standard, or whether some distinctions are legally and normatively justified. The panel resisted any simple answer. On one side, the argument was made that international law embeds a good deal of differentiation that has a principled foundation. International humanitarian law, for instance, does not grant the same status to all participants in armed conflict. State armed forces, guerrilla groups, private military companies, foreign fighters, and child soldiers are treated differently from soldiers serving under a recognized state. The panel examined whether this amounts to double standards or to a coherent legal framework responding to genuine differences.

For populations living under sustained occupation, no pause exists, and the very possibility of mourning is foreclosed – a double violence of conflict, compounded by institutional invisibility.

Others, however, pushed back. Even if some differentiation can be justified, the panel acknowledged that the application of these distinctions in practice has been deeply unequal and has reflected the interests of powerful states rather than neutral principles. One telling illustration was the treatment of armed groups fighting for national liberation or against colonial domination, who have at times been granted combatant privilege because the cause they were fighting for was recognized as just, yet similar recognition has been denied to other groups resisting occupation or authoritarian rule.

The discussion also examined international law as an argumentative practice and asked what constraints govern the legal justifications that states offer for their actions. The focus fell on both the internal dimension, what constrains lawyers advising governments, and the external dimension, what constrains states in the arguments they advance publicly. The requirement to give reasons at all was identified as meaningful because it creates friction between the impulse to act and the risk of acting in a way that cannot be defended. But the constraining power of reason-giving has limits. The panel traced a series of case studies showing how legal justifications can be stretched, constructed after the fact, or abandoned altogether when political

urgency demands. In some cases, states have advanced weak legal arguments, knowing them to be contestable, to preserve at least a formal gesture toward legal constraint. In others, states have dispensed with legal justification entirely, offering moral claims instead. The Kosovo intervention and the Iraq invasion were discussed as contrasting examples of these dynamics. A recurring concern was that permissive interpretations of legal norms, even when offered in apparent good faith, tend to become precedents that other states, including adversaries, can and will invoke.

The panel also examined mourning as a site where double standards in international law become viscerally apparent. International organizations have developed various practices through which grief is publicly acknowledged, including testimonies before the Security Council, moments of silence, international days of remembrance, and the flying of flags at half-mast. These practices are shaped by formal and informal rules that determine whose loss is marked, whose voice is heard, and whose suffering is rendered visible. The discussion drew a sharp distinction between the position of those for whom violence is an interruption of normal life, and those for whom it is a continuous condition. The mourning rituals of international institutions, it was argued, are meant for the former. They presuppose a break in the violence, a moment of pause from which grief can be processed and integrated. For populations living under sustained occupation or colonial domination, however, no such pause exists, and the very possibility of mourning is foreclosed. The result is what the discussion described as a double violence that consists of the physical violence of the conflict itself, compounded by the violence of institutional invisibility that privileges some experiences while neglecting others.

▶ PANEL 6

The Rhetoric, Performance and Weaponization of Double Standards

Discussant: David Hughes · Trinity College, University of Toronto, Canada



GENEVA GRADUATE INSTITUTE · 15–17 MAY 2025

This panel explored how double standards are deployed, performed, and strategically applied by international actors. To understand how double standards function, the panel discussion asked whether double standards or hypocrisy can be understood as a lawmaking method, communicated through deliberate speech acts, embedded in institutional design, and obscured by the gap between the public positions that states adopt and the political realities that lie behind them. The discussion drew on theatre, argumentation theory, theories of customary international law, and doctrinal analysis to develop an understanding of double standards that is both informed by international legal discourses and actions.

The panel observed that international law is unusually dependent on public rhetoric. Official statements, denials, and declarations are treated as constitutive evidence of

legal belief even where actual conduct points in a different direction. The panel explored what follows from this. Customary international law, it was argued, privileges what states say in public over what they actually do, precisely because certain legal actors wish to advance progressive legal claims and lawmaking objectives in the face of resistant state behaviour. States that commit violations but deny them publicly may, paradoxically, be reinforcing the very norms they are breaching. The word hypocrisy, it was noted, derives from the Greek for performing behind a mask, which captures important features of how international legal argument functions. The panel described how there is always a front stage designed for external audiences, and a backstage where hesitations, accommodations, and actual political realities look different. Whether one calls it methodological hypocrisy or theatrical performance, the gap between rhetoric and reality in international law can be understood as a structural feature of how the international legal system operates and sustains itself.

The word hypocrisy derives from the Greek for performing behind a mask. There is always a front stage designed for external audiences, and a backstage where realities look different.

This insight was accentuated when the panel discussed specific examples. NATO's status in the Russia-Ukraine war was presented as a case where both NATO states and Russia have carefully avoided answering a simple but consequential legal question, namely whether they are at war with each other, while their actual conduct tells a more complex story. The frontstage position and the backstage reality are sharply misaligned. Everyone involved, it was noted, is aware of the performance, and the question for scholars is not whether to expose the discrepancy but to understand what it means. A similar dynamic was identified through the use of 'whataboutism' arguments. The panel challenged the reflexive dismissal of whataboutist claims as logical fallacies. Although they do not aim to persuade the accused state nor are they designed to advance a conventional legal argument, they can still create context by signalling to a broader international audience that a shared understanding of international norms has broken down. Understood this way, whataboutism and theatrical front-staging are both symptoms of a legal order in which the gap between stated principles and actual practice is large, persistent, and in some respects built in.

The discussion moved from the rhetoric of double standards to their institutional architecture. The argument was made that the most significant asymmetries in international law are structural. Whether one looks at the way legal obligations become opposable to specific states through consent and protest rather than applying uniformly to all, at the way powerful states can treat breaches of international rules as a transactional cost by paying compensation rather than complying, or at the way multilateral supervisory bodies tend over time toward leniency and negotiated closure, the international system accommodates differential treatment as part of its operating logic. These findings raised the question whether, if asymmetry is sometimes a matter of design rather than deviation, the critique of double standards loses its force. The panel suggested that recognizing that double standards are structural makes the critique more urgent, not less. Calling out hypocrisy or double standards in individual cases is no longer enough. The deeper challenge is to ask how the international legal order would need to change so that it stops producing double standards from within.

❖ DIPLOMATIC FORUM · PART II

Double Standards in Global Trade and Climate



GENEVA GRADUATE INSTITUTE · 15–17 MAY 2025

The first diplomatic panel moved the conversation from academic analysis to the practical world of trade, climate, and development policy. Held under the Chatham House Rule, the discussion brought together perspectives from across the geographical and institutional spectrum and approached the conference theme with a candour that reflected the participants' direct experience of how international law operates in negotiation rooms and dispute settlement bodies.

A question that animated much of the discussion was whether double standards add anything analytically to other concepts in international law like discrimination, inequality, fairness, and equity. One position held that the language of double standards is essentially a way of talking about discrimination, and that what makes the concept useful is its insistence that formal equality between states is not the same as substantive fairness. States are equal as a matter of doctrine, but they differ enormously in capacity, in historical responsibility, and in their position within the global

economy. Treating them identically can itself produce unfair outcomes, which is why international law has long developed mechanisms for differential treatment, particularly in the context of development. From this perspective, not all double standards are problematic, and some may be both necessary and just.

Developed economies relied on industrial policy, protectionism, and unconstrained use of natural resources to reach their current position – and now seek to restrict the same tools for others.

A more sceptical view pushed back against this, arguing that the term carries an unavoidably negative connotation. The core grievance is straightforward and manifests when powerful actors set the rules, then fail to follow them, and then revise the rules when others begin to catch up. The discussion returned repeatedly to the image of kicking away the ladder. Developed economies relied on tools such as industrial policy, protectionism, and unconstrained use of natural resources to achieve their current position, and now seek to restrict the same tools for countries still pursuing development. Examples ranged across trade preferences, environmental standards, the export of pesticides banned domestically, and climate obligations that distribute historical and contemporary responsibility unevenly. The frustration this generates is not abstract; it has shaped negotiating positions and eroded trust in the institutions through which international economic and environmental governance is conducted.

Between these two positions lies a more nuanced account in which the question is not whether differential treatment exists, which is unavoidable, but whether it is justified. Differential treatment that responds to genuine differences in capacity or historical responsibility may be defensible. Differential treatment that simply preserves the advantages of those already powerful is not. The challenge is that the line between these two can be difficult to draw, and that the language of justification is itself contested. Developed economies tend to describe their positions as principled. Developing economies tend to read those same positions as self-serving. The discussion suggested that international law often lacks the resources to adjudicate between these readings, and that the legitimacy of the system depends in part on its capacity to do so more honestly.

A broader concern running through the panel was that geopolitics is now moving faster than legal reform. International law was built in an era oriented toward global order, cooperation, and the gradual extension of universal rules. The present is marked by fragmentation, strategic rivalry, and shifting balances of power, and the institutions designed for the earlier moment are struggling to keep up. This makes substantive legal reform difficult, but it also makes conversations about double standards more pressing because the gap between what international law promises and what it delivers is growing, and the consequences of that gap are becoming harder to ignore. The panel underlined that the question of double standards in trade and climate is bound up with deeper questions about who international law is for, whose interests it has historically served, and whose it can be made to serve in the future.

❖ DIPLOMATIC FORUM · PART II

Double Standards in Human Rights, Humanitarian and Criminal Law



GENEVA GRADUATE INSTITUTE · 15–17 MAY 2025

The second diplomatic panel moved into the areas of international law where critiques of double standards are arguably the strongest. Exchanges ranged across international human rights, humanitarian, and criminal law, which were often explored in relation to Ukraine and Gaza, two contemporary instances where the gap between what the law says and what states do is widest. Also held under the Chatham House Rule, the panel gathered individuals who work inside the institutions of international law and who spoke with frankness, and at times real anguish, about watching those institutions falter. Where the earlier diplomatic panel had largely accepted double standards as an inevitable feature of the system, this one treated them as something akin to a breaking point. It was suggested that the conversation had moved past whether double standards exist and now focused on whether the system built to prevent them can survive the way they are being applied.

Panelists considered the many ways that double standards undermine international law by exposing the point where legal reasoning gives way to political decision. Various examples were identified where sound legal arguments, made by legal advisers, were later dismissed by political officials who chose to prioritize strategic or political interests over direct legal obligations. In such instances, the same legal reasoning was treated as binding when it served those interests and set aside when it did not. The panel repeatedly returned to the issue of Gaza and the failure of international law, noting this as the case where the gap has grown widest and where international law's credibility has been most strained. Participants described civilian destruction and the restriction of humanitarian supplies to argue that a state was testing how far it could go before the world reacted. The panel was struck above all by the steady support the campaign kept receiving from governments that present themselves as defenders of human rights. Many regimes suppress rights, it was said, but few combine that with such unshakable backing.

A double standard, on this view, is an exercise of power – the assumption by the strong that they need no rules at all. A state exceptional today may find the same logic turned on it tomorrow.

Since double standards are an old phenomenon within the practice of international law, the panel considered what had changed. Several answers were offered. International law and the institutions meant to uphold it are now attacked openly rather than being quietly overlooked. When, for example, the United Nations called for a ceasefire, that call was branded as a threat to peace, so the body advocating restraint and respect for legal rules was cast as the danger, not the conduct to which it was responding. A paradox was put forward: as international law's reach has grown, the density of its norms could leave more room for selective reading. Relatedly, while international law's expansion is often cast positively, it also means that the more the law promises, the more visible its failures become. The scale of the violations and the speed at which they spread on social media only accelerated this seeming contradiction.

Confidence in the Western order was draining, felt most sharply in the Global South, as even powerful states pressed claims with little legal basis of a kind once expected only of outliers. Gaza was treated as the decisive test, often in comparison with Ukraine, on

the reasoning that standards applied to one war but withheld from another would leave no line between law and political convenience. Several on the panel questioned whether any shared standards remained, and whether the complaint that the law-makers ignore their own rules might harden into a licence to ignore all of them.

In response to this despondence, the panel offered a strong defence of universal norms. The answer to selective application, several insisted, is to apply common standards more evenly, since those standards are what restrain the powerful, and the people suffering most are the ones who rely on them. A double standard, on this view, is an exercise of power, the assumption by the strong that they need no rules at all, though a state that treats itself as exceptional today may find the same logic turned on it tomorrow. Beneath the shared defence lay a real disagreement about the problem itself. For some, it is a failure of enforcement, curable by holding allies and adversaries to the same line. A sharper view held that the unevenness is built into the law, that international law was shaped so as not to reach certain actors and is applied along racial lines, protecting some peoples and not others, and going unenforced wherever the powerful or their allies are implicated. One account described condemnation being made conditional on who the victims were, with a far higher toll demanded before some deaths would be named. The defence was offered without much comfort, since it is hard to look at the people the law has failed and still ask them to keep faith with it. Hope, it was suggested, has to be held as a discipline.

On what should be done, the proposals pulled in different directions. One urged defending the universal system from within, through training, dialogue, and the steady insistence that friends be held to the same standard as rivals, with diplomats prepared to refuse instructions they judge unlawful. Another looked outward, to regional arrangements built on the idea that no region should set norms for cultures it does not understand, and to civil society links across North and South that might keep the system honest. A third tried to win support for norms through shared interest, presenting climate cooperation or the economic gains of gender equality as common ground. This drew a pointed objection that defending rights through their usefulness surrenders the stronger claim that they matter in themselves. Through all of it ran a call to face the colonial and racial history of the law openly, since the system cannot rebuild trust while pretending that history away.

The panel concluded by considering how disagreement around double standards extends to even the underlying facts. When a violation is first denied, then delayed, then recast as regrettable but unavoidable, the truth tends to arrive too late to count, and the case is forgotten before it is answered. Once states drift away from evidence and shared sources of knowledge, several warned, history shows where that leads. These doubts, about the law, its institutions, and now the facts themselves, left the panel to consider whether a system that has failed the people who most need it can still be defended to them in good conscience and whether the way ahead lies in repairing the universal order or in building something more plural in its place.

▶ PANEL 7A

Conflict, Accountability, and Double Standards

Discussant: Dustin Lewis · Harvard Law School, US



GENEVA GRADUATE INSTITUTE · 15–17 MAY 2025

The panel examined double standards in armed conflict. It focused on how international law classifies those who take part in hostilities and on how those classifications decide who is protected and who is punished. In so doing, the panel compared actors who perform much the same role in war yet are sorted into opposite legal categories, like the private contractor set against the mercenary and the fighter labelled a terrorist. Both sets of considerations reflected how international law separates states from non-state groups. It does not treat the two evenly, granting the privileges to states that non-state groups, for the most part, do not receive to the same extent. This unequal treatment sat awkwardly against the law's promise to judge conduct in war by what is done. It led the panel to ask when and why a legal assessment shifts from what is done to who does it instead, so that the same act counts as lawful

or prohibited depending on the identity of the actor and the political narrative around them.

The discussion conveyed how, when the law sorts a fighter as a contractor, a mercenary, or a terrorist, that label determines how that individual can be treated, punished, and what obligations they are entitled to receive. A contractor and a mercenary can do the same job, but the law protects one and bans the other. A state's soldier who kills an enemy combatant is protected by combatant immunity and cannot be prosecuted for the killing itself. A non-state fighter who kills the same kind of target in the same way has no such immunity and can be charged with murder for it. The same thing happened with the tribunals built after September 11. The government called them war courts, but it used them to try crimes that were not war crimes. In each case, the label came first and decided what would count as lawful. The conduct was not weighed on its own terms. Identifiable double standards ran through each of these examples as the panel described how the same conduct met different fates depending, largely, on what classification the actor received.

A contractor and a mercenary can do the same job, but the law protects one and bans the other. The label came first and decided what would count as lawful.

The panel considered the principle of the equality of belligerents, which holds that every side in a conflict must be judged by the same rules of conduct, no matter who started the war or who had the more just cause. The panel suggested that this cornerstone principle of IHL is the primary safeguard to ensure against the application of double standards in how wars are regulated and fought. Yet despite the rule's status, the panel suggested that it does not hold up well. Courts and commentators often let their view of who is 'right' affect their reading of how that side fought. This meant, it was suggested, that in practice, a state and a non-state group can do the same thing during an armed conflict but be judged differently in response. Panelists also identified a gap in the regulatory framework. Non-international armed conflicts have little settled law for judging whether the use of force was legitimate in the first place. International armed conflicts have a far more developed framework for that question. This leaves non-international armed conflicts (NIAC) governed by a weaker and easier-to-manipulate body of law, even though they are now the most common kind of conflict.

The panel also pointed to a deeper problem: the bodies of international law regulating armed conflict depend on clear categories, such as combatant or civilian. The discussion noted that actual conflicts rarely sort people this cleanly, and when the categories blur, the law loses any consistent basis for applying its rules, which then can produce various forms of double standards.

Discussants were divided on the ways that these double standards can manifest. Much of the discussion found that international law favours states, since non-state combatants are denied the immunity that protects soldiers and can be prosecuted for acts that would be lawful when undertaken by state representatives. The opposite case was also presented. On this view, commentary and legal institutions often treat non-state actors as if they had no agency. This has the effect, it was suggested, of shielding their conduct from scrutiny while holding states to a higher standard. The panel warned that attending only to what is required of states lets non-state actors escape responsibility, which weakens the coherence of the law.

These exchanges raised a more fundamental challenge. International law is made by states, so it might be reasonable for the law to scrutinize non-state actors more closely. On this view, that is not a double standard, just a different standard, and one that international law can defend on its own terms. Others in the discussion rejected this defence on historical grounds. The state-centred order was never neutral. Since the nineteenth century, international law has used concepts like sovereignty, civilization, and self-defence to both restrain violence and justify it. Those same words distinguished powerful states from weaker ones, deciding, often along racial lines, who counted as a sovereign actor capable of making war lawfully. On this view, today's double standards continue a much older pattern of empire, with just war thinking at the centre of it. If this history goes unexamined, simply reimagining the legal categories that regulate armed conflict cannot disrupt this pattern. The panel agreed that the categories international law uses to sort combatants and to judge their conduct will keep producing double standards unless the deeper questions raised in the discussion, about history, power, and who the law was built to serve, are addressed. This left some doubting whether the damage already done, particularly since September 11, can be repaired at all, while others held that international law has always carried both complicity and promise, and that the work now is to reconcile these ever-present tensions.

▶ PANEL 7B

Trade, Sanctions, and Unequal Application of International Economic Law

Discussant: Thomas Schultz · University of Geneva, Switzerland



GENEVA GRADUATE INSTITUTE · 15–17 MAY 2025

The final panel considered how double standards arise in international economic law. The panel described double standards as a defect in the law, since they break the basic rule that the law should apply equally to everyone, and also as a political tool, since they let powerful states pursue their strategic interests while still claiming to act lawfully. Sanctions were discussed as a clear example with contemporary and growing relevance. States defend sanctions, the panel noted, as a way of upholding international law, yet they are applied selectively, with little transparency and almost no mechanism to hold the state imposing them to account. The same inconsistency, it was argued, showed up in export controls and in how states use legal language to justify the economic measures they impose.

The panel noted the structural reasons for this, as the UN Charter does not define economic sanctions. Yet, notwithstanding their uncertain grounding, states apply sanctions as though they were a settled legal tool. This leaves uncertainty between what the law actually permits and what political advantage allows. Broad terms like security or coercion can be stretched to fit whatever a state wants to justify, and because no fixed definition holds them in place, it was noted that the same word can mean one thing when a state applies it to itself and something else entirely when applied to a rival. The panel treated this as the root of much of the double standards that manifest in this area. The rules are indeterminate enough to let a state write its own justification after the fact, so that what counts as lawful sanction and unlawful coercion depends less on the measure itself than on who is imposing or judging it.

The same word can mean one thing when a state applies it to itself, and something else entirely when applied to a rival.

Export controls on dual-use goods and items that can serve either civilian or military purposes were also identified as a setting where a similar form of indeterminacy occurs. The WTO's security exceptions are written broadly enough that states can stretch them to cover restrictions chosen for strategic reasons rather than genuine security purposes. The consequences are not abstract. The panel pointed to dual-use lists in the context of Gaza, where even goods as basic as pasta have been restricted. This prompted a discussion about how such lists are designed, since a category meant to exclude military-relevant goods had been stretched to cover basic necessities. The same ambiguity that lets states apply sanctions to suit their strategic interests applies to export-control regimes as well. The categories in both are too malleable to resist political pressure, which makes both increasingly susceptible to double standards. In practice, the same goods or measures can be waved through for an ally and restricted for an adversary under the same nominal rule.

This raised a related set of questions about who gets to decide what counts as legitimate. The panel suggested that Western states tend to defend their own sanctions as lawful exercises of their rights while describing similar measures by China, Russia, or India as illegal or coercive, even when the underlying practice is similar or identical. The European Union was discussed as the clearest case of this becoming institutional rather than incidental. The EU was said to treat its own sanctions as legitimate while

branding comparable measures by others as unlawful coercion. Its Anti-Coercion Instrument, the panel suggested, gives it wide discretion to act with very limited judicial review, building the unevenness directly into how the EU is allowed to operate.

Both the examples of sanctions and export controls were said to bear on the foundational principle that the law should be applied equally to everyone subject to it. The panel argued that sanctions are routinely defended as a mechanism for upholding international law, yet their application tends to reveal the opposite. Bias decides which states face sanctions or not for comparable conduct. Selectivity decides which violations draw a response or are quietly tolerated. Weak accountability means that once a sanction is imposed, there is little way to challenge it or hold the imposing state to the standard it claims to be enforcing. Taken together, these are treated as the practical, day-to-day form that the violation of equal application actually takes, not an abstract complaint but a description of how sanctions regimes function.

The panel also assessed discrepancies between what states say the law requires and what they actually do, returning once more to the gap between legal obligation and political practice that had run through much of the discussion. The panel acknowledged that it was normal that some gap exists between legal rhetoric and practice. Stated principle and day-to-day conduct rarely match perfectly, it was suggested, and some flexibility serves an important purpose in relation to the practice of economic law. The panel's concern was with how wide that gap had grown. Once legal language stops describing what a state actually does and starts merely providing *post hoc* justifications, the panel argued, international law loses coherence, and the public loses trust in it. This concern sat uneasily with the view that sanctions remain one of the few tools available for holding states accountable for misconduct that does not require the threat or resort to force. It was suggested that a firm critique of such double standards risks delegitimizing sanctions themselves, rather than identifying and rectifying their misuse on a case-by-case basis. If sanctions lose their standing as a lawful response, some worried that states denied that option might turn to force instead. Exposing the unevenness in how sanctions and export controls are applied was treated as necessary work, but the panel also recognized that pressing the point too far carries its own cost, since weakening one of the few non-kinetic levers available could paradoxically make armed conflict more likely rather than less.

▶ ROUNDTABLE

Roundtable Discussion

Moderator: Nico Krisch · Rapporteur: Alejandro Chehtman

With Ardi Imseis · Katia Papagianni · Anna Dolidze



GENEVA GRADUATE INSTITUTE · 15–17 MAY 2025

The roundtable closed the conference by asking why the language of double standards has become prevalent across so many areas of international law, when the underlying problem is far from new. Part of the answer offered by the roundtable was that the term ‘double standards’ has become a catch-all for any grievance. This was said to weaken the term’s meaning and impact since it ceases to provide a precise diagnosis. Participants, however, did not fully accept that explanation. Instead, they returned to a question that had surfaced during almost all of the conference’s sessions about the gap between international law’s claim to apply universally and the uneven way it is made, enforced, taught, and practiced. Because Western states loudly promote the rule of law and their commitment to legal norms, the charge of double standards bears on them with particular, and arguably greater, force. This, it was suggested, is part of why the double standards critique now enjoys such currency.

The panel explored structural reasons for why the gap between practice and pronouncement has consistently endured. International law, it was suggested, depends on predictability and the expectation that today's rule will still be respected tomorrow. International relations, however, was understood as operating on an opposing premise because states crave the freedom to manoeuvre when circumstances change. The roundtable identified this discordance as a built-in tension, not something that was simply an episodic or occasional failure that could be attributed to a single bad actor. While it was deemed inescapable, and in certain instances, understandable, it also means that double standards are permanent features of an international system that attempts to reconcile irreconcilable tensions. This, the roundtable suggested, makes the current challenge of double standards harder to reduce through popular calls for consistency, whether through approaches like more encompassing lawmaking or more uniform enforcement.

Hypocrisy, however corrosive, at least keeps a shared standard in view – and its disappearance may be a harder problem than the double standards it is replacing.

The international community's disparate treatment of Ukraine and Gaza was acknowledged as the clearest manifestation and driver of the contemporary double standards phenomenon. The same legal categories and rules – prohibiting territorial conquest, applying peremptory norms, and ensuring the right to self-determination – were shown to apply to both conflicts, yet the international responses to Gaza and Ukraine have been deeply inconsistent. These well-known and frequently remarked inconsistencies were, the roundtable was careful to note, not confined to how states have acted. Accordingly, the roundtable asked whether the United Nations system can remain the standard-bearer of the international legal order. Seen this way, the discipline's own account of its origins comes under strain once the unequal treatment of Palestine is appreciated. International law presents itself as having moved past the era when sovereignty and protection were granted unevenly along lines of race and power. The Palestinian case was presented as evidence that this self-mythologizing does not hold, since reactions to the ongoing wars in Eastern Europe and the Middle East show that people can be denied the same legal outcomes as others who face comparable facts,

decades after the advent of the UN system, which is premised on claims that it has left such selective treatment behind.

The roundtable then considered the consequences of the identified double standards in the international community's treatment of Gaza and Ukraine. One immediate practical cost of this divergent treatment was identified in relation to efforts to ensure the application of international law in other conflicts and scenarios. Double standards have always shadowed conflict negotiation, but the intensity has grown sharply since Ukraine and Gaza. The roundtable identified instances of parties to active conflicts, often those watching a stronger state violate international law with impunity, who now cite evidence of double standards elsewhere and ask why they should negotiate in good faith or honour a legal agreement at all. This, it was noted, has made it considerably more difficult for mediators to leverage international legal frameworks to secure even modest, short-term agreements.

This has coincided with a shift in who undertakes this work. The United States had traditionally been the most active mediator and guarantor of negotiated settlements. But, the roundtable noted, it has now abandoned that role, and such initiatives are increasingly being carried out by middle powers instead. The roundtable observed that although the United States has long claimed a kind of exceptionalism for itself by acting in ways that departed from international law, it traditionally still maintained the rhetoric of a state committed to the rule of law and to upholding the system it had played the lead role in creating. What has changed, participants suggested, is that even this rhetorical commitment is being abandoned. The United States is now seen as challenging the legitimacy of the very system it built, rather than simply bending its rules while professing to follow them. The roundtable was careful to note that this shift was not the result of perceptions of double standards alone, but that such perceptions were a real contributing factor, part of a broader loss of standing for the United States and Western actors more generally as credible brokers.

The roundtable weighed this shift against an alternative that seemed, in hindsight, less troubling. A system marked by hypocrisy, where states violate the standards they claim to uphold, is flawed, but it still depends on those standards existing and being worth invoking. The alternative now visible in some conflicts is starker. Parties no longer bother to justify their conduct at all, and the pretextual justifications once offered are now being dropped in favour of a more open exercise of power. The compar-

ison suggested that hypocrisy, however corrosive, at least keeps a shared standard in view, and that its disappearance may be a harder problem than the double standards it is replacing.

The roundtable turned to consider what could be done in response to the prevalence of double standards and the resulting loss of faith in international law. It did not, however, settle on a single answer. One set of responses favoured using international law deliberately against the powers that have most benefited from it, through courts, advisory opinions, and the full range of available forums. This approach pointed to the efforts in cases such as South Africa's proceedings against Israel before the International Court of Justice and Nicaragua's case against Germany over its arms exports, where states historically on the margins of the system have turned their own mechanisms against the powers that shaped it. In endorsing this view, the roundtable suggested that the international legal system is resilient enough to withstand being used to challenge the powerful. Working within these institutions, it was claimed, remained the best way to ensure the equal application of international law because there would not be a new founding moment, comparable to the settlement after the Second World War, to replace the existing system with something fairer and more consistent.

A separate set of considerations stressed the danger of abandoning the discourse of international law altogether. That discourse, on this view, is what lets weaker states demand a powerful state justify its conduct in terms both are supposed to follow. Without it, the roundtable warned, what remains is deterrence resting on the threat of force, humanitarian arrangements improvised on a case-by-case basis, and an open division of the world into spheres of influence, none of which requires powerful states to answer to anyone or justify their actions. Both approaches agreed that engagement with the system, however flawed, remains better than withdrawal from it, even as they disagreed about what kind of engagement is best suited to producing a more equitable, less selective system of international law that merits legitimacy.

Lessons Learned

The conference traced double standards across great power competition, climate and trade, forced migration and asylum, international humanitarian law, international courts and institutions, sanctions and economic coercion, sport governance, and the cognitive and historical structures that shape how international law itself is made, studied, and argued. Across this range, several underlying dynamics kept reappearing. These included the difficulty of separating a justified distinction from an unjustified one, the gap between double standards that result from an actor's choice or behaviour and those built into how a rule or institution was designed, the fact that the critique itself is wielded for different ends depending on who holds it, and the puzzle of why a phenomenon with such a long history is now drawing heightened attention.

As the conference's many panel discussions made clear, identifying a double standard is not the same as resolving it. The discussions across the conference suggested that moving forward requires two things: better tools for telling a justified distinction from an unjustified one, and the institutional will to act once that distinction has been made. The following are lessons drawn from across the panels. Each reflects a point on which the discussions converged and can be used to inform further work that seeks to understand the relationship between international law and double standards.

- 01** Not every difference in treatment is a double standard. Distinctions grounded in capacity, historical responsibility, location, or genuine legal difference can be defensible, and treating all differentiation as suspicious risks discrediting legitimate exceptions alongside illegitimate ones.
- 02** A double standard can be produced without anyone deciding to produce it, embedded in institutional rules, lawmaking processes, or cognitive habits rather than in any single act of bias. Correcting such imbalances requires changing the structures that produce them, not simply asking individuals to behave more consistently.
- 03** Accusations of double standards are rarely neutral. They are made to an audience and for a purpose, and the same accusation can serve as a demand for accountability or as a tactic for deflecting scrutiny, often using identical language for both.

- 04** Institutions that produce unequal treatment frequently also judge whether that treatment was justified, leaving little independent ground from which to test their own claims of consistency.
- 05** A demand for consistency can be satisfied by levelling down – treating everyone equally badly – rather than by lifting the standard applied to the disadvantaged. Calling for consistency is not, by itself, a guarantee of a fairer outcome.
- 06** Hypocrisy, however corrosive, depends on a shared standard being invoked, even by those violating it. Its disappearance, where actors no longer bother to justify their conduct at all, potentially marks a more serious erosion of the system than the hypocrisy it replaces.
- 07** Legal categories that sort actors – combatant, civilian, refugee, or internally displaced person – can decide outcomes before any inquiry into conduct takes place, which makes the categories themselves, and not only their application, a site where double standards arise.
- 08** Delegitimizing an imperfect legal tool, like sanctions, carries its own risks, since removing a flawed but relatively peaceful legal tool may leave states with fewer rather than more options.

While these lessons reflect important areas of convergence, the conference also underscored how much remains uncertain. In many respects, the discussions raised as many questions as answers. Participants repeatedly returned to unresolved conceptual, empirical, and normative issues concerning the nature, causes, consequences, and possible remedies of double standards in international law. The research questions that follow point toward future areas of inquiry and research agendas. They are intended as a non-exhaustive set of prompts to guide further scholarly, policy, and institutional engagement with international law and double standards.

Open Questions for Further Research

- 01** What criteria can reliably distinguish a justified difference in treatment from a double standard, and can such criteria be applied consistently across contexts as different as, for instance, international refugee law, sanctions, or international criminal law?
- 02** What institutional reforms could address the double standards built into the design of a rule, as opposed to those produced through its selective enforcement, and who has the authority to undertake them?
- 03** How do cognitive biases shape which violations of international law receive sustained legal and scholarly attention, and what corrective measures, if any, could counteract this?
- 04** What measurable effects do perceived double standards have on conflict mediation, treaty compliance, and confidence in multilateral institutions, and how might these effects be tracked over time rather than inferred from individual cases?
- 05** Under what conditions does an accusation of double standards strengthen the legitimacy of international law by reaffirming that a shared standard exists and, conversely, when does it accelerate the erosion of that legitimacy?
- 06** What can regional, non-Western, and critical approaches to international law contribute toward correcting double standards rooted in the historical distribution of sovereignty and legal authority, and how might such approaches be incorporated into the mainstream discipline rather than treated as peripheral to it?
- 07** How should international law respond to actors who no longer offer even a hypocritical justification for their conduct, and does the loss of that pretence call for a different set of legal or diplomatic tools than those developed for addressing inconsistency within a system of shared standards?
- 08** What distinguishes a legitimate demand for consistency from a strategic deflection when the two arguments can be framed in identical legal language, and can this distinction be assessed through criteria other than the apparent good faith of the party making the claim?

The relationship between international law and double standards will not be settled in any single conference or report. What the proceedings at the Geneva Graduate Institute of International and Development Studies that have been recounted here have tried to do, however, is provide a fuller account of the causes of double standards and their consequences by drawing on diverse voices across many disciplines. Yet the debates also offer a sobering account of the work that lies ahead. The organizers hope this report has provided a foundation upon which this work can be advanced and wish to express their gratitude to every participant who helped lay this foundation in Geneva.

The Double Standards Project

www.doublestandardsproject.org

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