

“WE'RE JUST GETTING STARTED”

A conversation on International Development Law, Corruption and the Future of Global Finance

An interview with Professor Rumu Sarkar¹, Author of *International Development Law: Rule of Law, Human Rights and Global Finance* (Springer, 3rd ed., 2025)²

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PART I: THE NORMATIVE FRAMEWORK

Hellen Mutellah: *In your book, you indicate that International Development Law is still evolving and that there is no specific definition. In your view, does a normative framework currently exist, or does it still need institutional futures?*

Professor Rumu Sarkar As you know, this is the third edition of the book, and I reviewed it carefully to see whether the main framework I established at the beginning was still relevant and accurate. And to my surprise, even though I critically reviewed my own work, I found that not much, if anything, had changed substantively regarding the normative framework. It is set out in the chapter on substantive principles of international development law, and I focus, for example, on mutuality, transparency, accountability, equitable participation, and other normative framework issues and principles. Over the course of ten to fifteen years, I found that the international community has not really shifted away from those principles or toward different or conflicting principles. That normative framework has been preserved intact; those principles provide a stable, reliable framework for legal analysis.

Hellen Mutellah: *Within this normative framework, how do you perceive the role of states and international institutions like the World Bank in shaping or influencing it?*

Professor Rumu Sarkar The chapter is not devoted simply to legal principles, but also asks: who are the actors? Who does it affect and in what ways? I cover international organisations like the World Bank and other multilateral development institutions and banks, as well as the role of states in implementing and understanding what international development comprises in their own policy review. I can't provide a broad, overarching answer about how it affects all parties, because the parties are so different and have such different

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² The interview was conducted on 4 May 2026 as part of a book review exercise by the PROLAW 15th Cohort Rule of Law Editorial Committee, whose members identified books for critical review from a rule of law perspective. This interview was conducted by video conference and has been lightly edited for length and clarity while preserving the substance of the conversation. Filler words have been removed.

foundations. The World Bank is accountable to its member states. States are accountable to their population. And of course, private actors as well, with very different motivations, sources of funding, timelines, and constituencies. The substantive legal principles were designed to provide a main framework of analysis for all of these actors. I have divided them into multilateral, bilateral, and private actors, and I hope that helps.

PART II: THE ACCOUNTABILITY GAP

Hellen Mutellah: *Do you think that the accountability mechanisms in place – taking the World Bank as an example – are effective in addressing grievances by beneficiaries of projects?*

Professor Rumu Sarkar There are some accountability mechanisms in place, specifically the Inspection Panel, and that is designed to create a legal nexus from the end user to the executive directors of the World Bank. There have to be at least two complaints - it cannot be just one – and that legal liaison is extremely important. However, in deeper analysis, and after twenty or thirty years since the formation of the Inspection Panel, I find there is still a huge accountability gap. There are still very few ways to question how executive directors accept the panel's decisions, usually without much commentary or back-and-forth. The institutions, whether the World Bank or the IFC, are not held strictly accountable for the impact of their actions in beneficiary states among beneficiary end users.

I have in earlier writings suggested that the Inspection Panel and the acceptance by the executive directors of the World Bank should begin to create a kind of jurisprudence – principles that can provide a certain amount of precedent. Not binding precedent in the same way you would find for a court of law, but a body of principles so that later litigants or end users of World Bank projects can look to them in terms of how things are done, interpreted, and enforced – or not enforced. But I am afraid my advocacy on that point has been lost to history. I deleted that discussion from this latest edition of the textbook. I didn't republish that perspective because it didn't get much traction. There is an accountability gap, and we can address it in many different ways.

Hellen Mutellah: *When anyone talks about the word “law,” there has to be a ramification for noncompliance. Would you say that enforcement is a gap within the sphere of international development law – particularly in the context of the right to development and cases before the African Court of Human and Peoples’ Rights, such as the Endorois case, where courts have made pronouncements but enforcement remains a challenge?*

Professor Rumu Sarkar Absolutely. Enforcement is a tremendous challenge, and it is a challenge for any court in any state or legal system, because generally speaking, courts of any nature have extremely limited enforcement powers. There is no clear institutional way of enforcing judicial judgements. So the enforcement of judgements is really based on an act of faith in the rule of law. There has to be respect for the institution, for its judgement and its intellectual approach. The African Court on Human and Peoples' Rights has issued extremely clear instructions in at least two major cases, and

there has really been no enforcement. I don't have any constructive options except perhaps considering a writ of mandamus, which forces government officials to perform their official acts. But I really appreciate the fortitude of litigators for their plaintiffs. They are brave, diligent, and extremely focused on giving equity to underserved populations and protecting their rights. Bravo to them.

PART III: THE RIGHT TO DEVELOPMENT – A REVOLUTIONARY LEAP FORWARD

Hellen Mutellah: *How do you view the justiciability of the right to development going forward? – Is it a right you see being litigated more before courts, or does it need more work?*

Professor Rumu Sarkar Over time, I think the right to development gradually moved into customary international law, where it is a norm that should not be breached. But it took a long time for jurisprudence around the human right to development to take place. I am waiting for someone to litigate this issue – this is the only chapter in my textbook that actually talks about jurisprudence, that actually talks about opinions. The right to development hung in the balance for many years because of questions about the legitimacy of this particular human right. But I reference the three generations of human rights – the right to development falls into the third generation of social human rights – and there is not much broader acceptance of these rights, in terms of climate change issues, human rights and human trafficking issues, several issues that were perhaps not viewed with the same legitimacy as the first two generations of rights.

“It has moved beyond the African Court to the European Court and even to US domestic courts. There have been many interesting ways to litigate the human right to development. That is a revolutionary leap forward”

So, jurisprudence has grown. It has moved beyond the African Court to the European Court and even to US domestic courts here in the United States. You see the jurisprudence in Switzerland, in India, and I am sure in other places. The fact that it is not just a multilateral question, but now a very important question for countries themselves, and that private citizens are actually bringing litigation to question these practices and how they violate a human right to development – that is extraordinary. But to answer your question directly: are we done? No, we are not done. We are just getting started. We are just getting warmed up. I look forward to more jurisprudence, both at the national and multilateral levels, and I look forward to better enforcement mechanisms, because that is also a glaring gap between the jurisprudence and the enforcement of these principles.

PART IV:

CORRUPTION – AN UNSEEN TAX WITH COLONIAL ROOTS

**Hellen
Mutellah:**

You have dedicated a whole chapter to corruption, and you define it as the abuse of power by people in positions of power. When it comes to fighting corruption within the international development sector, where a lot of the funds come from multilateral agencies and other governments' money, what role do you see the state playing vis-à-vis international institutions?

**Professor Rumu
Sarkar**

Let me give you a bit of background on how I came to this chapter on corruption. It is no accident that it appears as the last chapter of the book. I started teaching this subject at Georgetown Law Center many years ago, and I did not initially teach anything regarding corruption because I mistakenly – very, very mistakenly – thought there was sort of a critique of countries in a process of development. I just didn't want to critique or victimize them. So, unfortunately, I stayed away from that subject for many years. But then I realized that this is part of the foundation of international development and especially international development law.

Before I plunged into that amazing landscape of laws, I had my Georgetown law students read a novel. The novel was “*No Longer at Ease*” by *Chinua Achebe*, a renowned Nigerian author. The story traces a young Nigerian man sent to England to study, who then returns to Nigeria. And it traces one by one, little by little, how events in his life led him to a position where he ultimately accepted a very, very small bribe – which he did not want to. In the end, he is tried in a court, so it does have a legal dimension. I had my students read this novel because corruption is endemic. It is not just in the Global South: it is everywhere. It is a very basic human phenomenon. What leads to corruption in the first place was my starting point.

The corruption chapter is divided into three parts because the topic is so huge: transnational organized crime, terrorism, and there is often a confluence between the two, and of course public corruption, both in-country and internationally in terms of banking channels. The point about corruption is that it is almost imposing an unseen tax – you are having to pay bribes, you are being extorted, you are otherwise forced or of your own accord engaging in corruption. So, I could not just keep ignoring it. One of the major ways in which international development efforts fail is through corruption.

**Hellen
Mutellah:**

What are some of the factors that cause corruption to happen, and what measures can be taken to address these factors?

**Professor Rumu
Sarkar**

Because we are dealing with countries in the Global South, many of them emerged from colonial regimes, some quite recently. The colonial regimes from many European countries created an imbalance to begin with. The law was meant to profit and benefit the colonizing power. And so what existed in terms of legal norms, practices, or expectations from these actual countries was suppressed – replaced by what is called received law. These countries that emerged from the colonial experience had a tremendous deficit: not just fiscal, but political and social-sector deficit. So

corruption started because development efforts were usually undertaken by wealthy or politically connected individuals. It created like a cabal – a very small circle of people with economic and political influence. It was already tilted to begin with, and it tilted newer systems in their favor. There was so much corruption at the top, it just flowed down. And that kind of corruption is extremely difficult because it is not only endemic, but also systemic. So, you can pass all of the anti-corruption laws, you can create all these inspectors general – but enforcement has been the through line for everything. It has to come organically from within society. They have to demand non-corrupt practices. And that is even harder because these regimes are often very oppressive, and protesting or objecting to certain practices may not be well received. Until you address the underlying causes of desperation, aside from greed – which is also a related factor – you will continue to have these instances, and it will continue to be endemic as well as systemic.

PART V: GLOBAL FINANCE, SOVEREIGN DEBT, AND THE USAID CRISIS

Hellen Mutellah:

Your book clearly states that foreign debt, sovereign borrowing, and privatization sometimes create a dependency syndrome. What can countries in the Global South do to make these processes more transparent and accountable, particularly for citizens who ultimately pay for this debt?

Professor Rumu Sarkar

I have been criticized in some quarters for spending three chapters on global finance. Some confuse this book with one about international investment or international economic law. It is not. It is about international development, because those three chapters address how finance impacts international development. Without financing, you cannot do development. The Global South is really heavily dependent on external sources of financing. In the initial years of independence, their coffers, treasuries, and central banks were empty because they were not ruling themselves, so they borrowed from the international banking system. The social goals were not achieved, the loans kept accruing interest, and it led to round after round of rescheduling and debt forgiveness. I have avoided the word money laundering, but it was a situation where money was put into the Global South, exported by the Global South in repayments and interest, and then recycled. It was circular – and merciless.

And then there is the other existential crisis: climate change. The Global South is bearing the brunt of climate impacts – Pacific Islands being washed over, drowned, because ocean levels are rising – while in most cases they are not the ones contributing to it. The whole international development structure has been in a state of collapse since USAID was terminated. Not only did it lose its capital, but also its political capital. It is tragic and extremely consequential. What actors are doing now – multilateral, bilateral, private, government – is scrambling to regroup. They are asking: how do we reimagine international development assistance? How do we reimagine financing? How do we reimagine sustainability? This kind of shock therapy was not necessary. It could have been phased out and thought through more systematically. But we are at a crisis point

because this was completely unexpected and was not planned for by aid recipient nations.

**Hellen
Mutellah:**

Isn't this the best time for countries in the Global South to rethink their own development agenda – to have more control over how they set their own development priorities?

**Professor Rumu
Sarkar**

One thing to do is to use their own local currency to get loans and to repay loans – that is more empowering. Foreign exchange costs are extremely high and unpredictable, as we can see right now. They also need to rearrange their priorities: what is the most important thing to achieve now? Is it the health of their populations? Is it infrastructure? They also need to rethink not just their own approach but regional approaches and regional priorities – this is the time to build partnerships with neighbors and other countries, to form new partnerships. Seek other sources: philanthropic capital, foundations, creating their own foundations, and creating a vehicle to attract funding themselves. This is the time to exercise their political capital, speak up, stand up, and say: here are our priorities. Partner with the private sector. Create localized development so that there are local stakeholders who have a stake in development – not in corruption, but in development.

PART VI:

ASSET RECOVERY AND THE SOCIAL REUSE OF PROCEEDS OF CRIME

**Hellen
Mutellah:**

In your chapter on corruption, you touched on money laundering, but I was hoping to see more on asset recovery and its use in development. One concept I kept encountering in my research is the social reuse of proceeds of crime for development purposes. What are your thoughts on that?

**Professor Rumu
Sarkar**

That is a very good question. In terms of asset recovery and using laundered funds for lawful purposes, this is a vital question. It doesn't just affect the Global South; it affects everyone because we have a global financial system. Asset recovery is very difficult. And even when you try to repurpose funds – for example, repurposing frozen Russian government funds held in European banks to provide support for Ukraine's rebuilding – even that is highly problematic. It creates an implicit moral hazard: once your money is frozen, whether it is Russia, Iraq, or Cuba, it means the international community can simply redirect it in any way it sees fit. I understand the impulse, and it seems equitable, but I do not think the answer is that simple. Perhaps the solution is a dedicated trust fund – a transparent mechanism of diverting frozen funds to a designated purpose. But it requires political will and coming together to act in concert, because it is very hard to do this alone. You need to work as a community, however you define that community.

PART VII:

STRENGTHENING THE RULE OF LAW – ADVISE TO PRACTITIONERS

**Hellen
Mutellah:**

From your practice, what would you say are some of the reforms or initiatives that can be undertaken to strengthen the rule of law within the international framework? And what advice would you give to practitioners entering the field of rule of law, particularly given the current development – the shrinkage in funding, accountability challenges, and the shift in international development toward impact on beneficiaries rather than just policies and projects?

**Professor Rumu
Sarkar**

Speaking directly to practitioners: it starts small. When you have a contract, you can put in climate resilience clauses. As a lawyer, you can embed accountability mechanisms and enforceability mechanisms in an individual contract that you are in charge of or participating in. It does not have to be: how do I deal with the debt overhang of XYZ countries? That is too big for one person. But you can start small – take the contract you are dealing with right now and start embedding these principles. Do it incrementally. Institutionalise it within your organization, so it becomes part of a template. Create your own template. Because as lawyers, we control the negotiation and the creation of documents that support projects and financing. We have a lot of implicit power that practitioners should not be shy about exercising.

Supporting social development goals should not be seen as extraneous or charitable. It is actually very good business. We need a shift in thinking: from seeing it as noise to seeing it as an integral part of doing business well. Start a dialogue, open up a conversation. What kind of impact would this have on the local community? What assessment do we need to do to ensure a positive impact? This is the time, this is the chance, to really restructure, re-envision, and recreate a new ecosystem for international development law. This is the turning point. It should be viewed as a turning point because this is a huge breach between how it was and how it will be.

PART VIII:

IS INTERNATIONAL DEVELOPMENT LAW REALLY “LAW”?

**Hellen
Mutellah:**

My final question: I put international development law right into the middle of the rule of law and the various elements that describe it. Is international development law actually “law” if there are no sanctions? For every law, there is always an obligation, and if you do not obey, there are ramifications. How does one reconcile with this?

**Professor Rumu
Sarkar**

That goes back to the enforceability of court judgments. The International Court of Justice just issued a massive advisory opinion on climate change, and it has so many ramifications. But as you know, first of all, it is an advisory opinion, and the ICJ has no enforcement power. States have ignored their rulings with impunity for decades. This goes back to the essential question: how can judicial opinions be enforced? Enforcement takes political will. Even the African Court on Human and Peoples' Rights issued major judgments in the Ogiek case and other cases that required significant government action, which the Government of Kenya did not take.

Maybe this calls for another international accord – another Vienna Convention, for example, on enforcement of legal judgments. You cannot

just have one court's judgment being enforced and not others'. That is asymmetrical, and over time it will collapse of its own weight. There has to be some sort of reckoning. You can cite the ICC, the ICJ— there are a lot of multilateral courts producing fabulous jurisprudence, but if it is not adhered to, it is almost like it did not happen. But it did happen. It is happening. The question is: how do we enforce it, and how do we sanction nonconforming conduct? This is a big ask. But I remain completely hopeful. It just needs to happen more, and much faster. I remain optimistic – even though my last chapter is about corruption.

WHAT NEXT?

Hellen Mutellah: *That was the third edition. Are we expecting a fourth edition, or a new book entirely? What is there to watch out for?*

Professor Rumu Sarkar That is exactly the same question that my law editor asked me when she was in Washington, D.C for a law conference. She said, "Well, when can we expect the fourth edition?" And I just looked at her in shock. I have given it serious thought since then, and I will write something. Whether it will be a fourth edition of my textbook, I cannot say. I feel quite doubtful about that. But I am definitely not going just to drop the ball. I have more things to say, unfortunately, outside the parameters of this particular edition. I am not going to sit quietly and ignore these issues. Creating a new international development law framework is vital – not just for me, but it should be vital on a much broader scale globally, because that is what we are faced with right now.

Hellen Mutellah: *Thank you so much for your time. For me, it has been a wonderful learning experience, and I look forward to reading your next book.*

Professor Rumu Sarkar Thank you, Hellen. It has been my absolute pleasure.