MASTER-SLAVE PSYCHOLOGY SYNDROME: IMBALANCES IN THE LEGAL INTERFACE OF TREATIES BETWEEN POWERFUL & LESS-POWERFUL STATES*

Ndubuisi Idejiora-Kalu[3]

Treaties have been identified as having imbalances in the legal interface, administration and indeed, the application of these international laws between states considered 'superpowers' (or powerful states) and their less-powerful counterparts. For instance Nwauche (Nwauche 2005, 4) confirms that, since the developed countries dominate the creative world, agreements are favorable to them and a disadvantage to developing countries. A Master-Slave Psychology Syndrome (Idejiora-Kalu 2019, 103; Idejiora-Kalu 2020, 14) is identified as a major cause of such imbalances. This paper demonstrates, where, in various aspects of treaties, other international law, international relations, international organizations, as well as in jurisdictions, this Master-Slave Psychology Syndrome-based imbalance plays out, especially in the context of Hegelian master-slave dialectics. The recognition of this imbalance at this time is borne out by the resolve of the self or state-consciousness and self or state-recognition of powerful and less-powerful states and not in the context of human-to-human relations.

Introduction

Treaties entail various agreements, conventions, protocols, covenants, pacts, exchanges of letters, gentlemen's agreements and other forms of agreements on behalf of states for the reasons of solving problems, ease of diplomacy and facilitating general order in an international arena and international law. Treaties are useful in checking excesses and imbalance, making relations that reflect justice, equity, order, legal and diplomatic decorum and friendliness between states possible.

But treaties have been seen not to be as balanced or equal as they are designed and intended to be in the first place, with many unignorable traces of special favours accorded to mainly powerful states, making the weaker, less-powerful states disenfranchised with the treaties most times (if not all times), working against the utilization of these treaties for their national benefits as agreed and their survival and inclusion in the international arena. In the study, the term *'powerful states'* in comparison to '*less-powerful states'* is used to mean superpowers, states that possess military and economic might (or both) and general influence vastly superior to that of other states, in the context of the definition of a *'superpower'* as a state that cannot be

* DOI 10.21868/PGnG.2021.2.1.

[3] *Ndubuisi Idejiora-Kalu,* Director-General, International Law, Diplomacy & Economy Research Center (ILDERC), Abuja, Nigeria.

ignored on the world stage and without whose cooperation no world problem can be solved (as defined by Munro; Munro 2013, 21).

This study proposes that existing imbalances in treaties can be appraised using Hegelian master-slave dialectics and tries to explain, for the first time, how this is evident or sustained in international law and international relations in the form of a Master-Slave Psychology Syndrome (Idejiora-Kalu 2019, 103; Idejiora-Kalu 2020, 14). In this context of a Master-Slave Psychology Syndrome, however, the powerful states still intuitionally believe or selectively make themselves believe that they are still colonial masters and occupy a master or lord position over the less-powerful state(s) which may be former colonies or simply states with less economic buoyancy or ones that do not possess military might of considerable attention or importance. There is just *'this thing'* in them which gives them the impression that they can rule over the other less powerful states and makes them see these states as their subjects.

'This thing', a psychological sensation of mastery over others (which can also occur in the context of states and their representatives in the aforementioned context of international law, international relations and the interactions of states within treaties and organizations), a *constantly oscillating 'conjecture', mindset, 'feeling' or 'selective cognitive inertia'* is the Master-Slave Psychology Syndrome.

In the context of interaction of states in international law and international relations, states and their representatives bound by the Master-Slave Psychology Syndrome are glaringly not obliged to balance relations or adherence to binding international obligations when they meet less-powerful states but are forced to play by the rules when they meet powerful states like theirs. This syndrome is the unseen effect that regulates all relations, jurisdictions and the legal framework and administration of treaties and application of other laws between states.

1. Synthesis of Hegelian Master-Slave Dialectics and the Master-Slave Psychology Syndrome

Hegel's analysis of the dynamics of self-consciousness (Hegel 1977, 16) in which he discusses master-slave dialectics, is a useful framework for understanding the persistence of the issues of global imbalances (Monga 2010, 21). Demonstrated in his master-slave dialectic or master-slave dynamics through his parable and analysis of lordship and bondage, he asserts the analogy of two individuals engaged in self-consciousness, both striving to attain self-recognition. The self-consciousness stage is sparked off by the reality where both individuals begin to see themselves as identical (a mirror of each other). While being intrigued in this reality, there swells a certain *'reason'* or *'feeling'* to dominate or rule over the other. A fight to death ensues and one who succeeds in subduing, defeating or eventually killing the other becomes the winner and lord over the other.

Just after this debacle, the winner soon realizes that there is no satisfaction or self-recognition as winner or lord even after killing the other and that the killed other was indeed what he/she needed to ascertain or make possible the state of self-recognition and without this person (the killed person), the desperately sought after self-recognition would remain unrealizable. The theory posits that, in the end, both individuals must

work out a means of relating to each other. It also goes on to explain that for everything, there are self-consciousness and self-recognition phases which are combinations of negations and contradictions all working together to achieve some sort of perfection, order or balance. For perfection, equality, order, balance, beauty, life, synchronization, sound, normalcy and finality to be achieved, there must be series of negations and contradictions equally oscillating, corresponding and acting either separately or together. It goes on to posit that, without these negations and contradictions, the desired expectation cannot be achieved. A simple analogy which depicts this is of a seed planted in the ground which has to break or die in the soil (a negation and contradiction process) in order to germinate into or become the desired plant or tree, most times bearing fruit (the finality).

A second analogy in the Hegelian lordship and bondage parable relates to the fight to death between two gladiators promised freedom or citizenship in ancient Rome. One succeeds in killing the other gladiator but soon realizes that although pronounced free in accordance with the covenant, his Roman lord still doesn't recognize or accept him as a free man equal to his (the Roman lord's) level. A certain *constantly oscillating 'conjecture', mindset, 'thing', 'feeling' or 'selective cognitive inertia'* sets in his heart, spirit and mind and constantly assures him that the gladiator will continue to remain his subordinate or bondman; he is wired to think that way and the statement that pronounces the free gladiator as either free or a citizen, to him (the Roman lord), is worthless. It is this constant *constantly oscillating 'conjecture', mindset, 'thing', 'feelings' or 'selective cognitive inertia'* in the mind and actions of the Roman Lord (especially in his interactions or relations with the presumed free gladiator), where he wants to always lord over the presumed free gladiator, that is identified as a Master-Slave Psychology Syndrome. It is real and dynamic in nature. Hegel in his master-slave dialectics understood the context of these conjectures but couldn't or never attempted to explain its microphysics. Its microphysics is explained as/in the Master-Slave Psychological Syndrome.

As in the context of the Roman lord and his presumed free gladiator or new citizen and as he displays this *constantly oscillating 'conjecture', mindset, 'thing', 'feelings' or 'selective cognitive inertia'*, this Master-Slave Psychological Syndrome is passed on to other members of his household including his children who notice, experience and adopt the type of relations exhibited by their father towards the presumed free gladiator. The now free gladiator (his wife, children and relatives) cognitively pick this perception and accept their fate: that even though they are pronounced free, are still only free on paper but not in reality. The deed, covenant, certificate or agreement that spells out his presumed freedom becomes a mere, worthless document which to him is only evidenced in paper and does not change his lived reality or social context or status. He is defeated and thus still a slave and in bondage under the lordship of his Roman lord.

This study of the Master-Slave Psychology Syndrome therefore posits, that because the Master-Slave Psychology Syndrome is perpetuated by humans, and because human political thought is what shapes the law that bind nations and their specialized relations, that indeed there exists a Master-Slave Psychology Syndrome in the context of relations and indeed every interaction between powerful and less-powerful states, former colonial masters and the now independent states, former historically powerful states and their

now less-powerful hierarchical states and contexts etc. This is already demonstrated (as a case-study) in the context of an imbalance in Euro-African relations (Idejiora-Kalu 2019, 103).

1.1. A Case-Study of the Master-Slave Psychology Syndrome in the context of Euro-Africa Relations

Since the end of slave trade and colonization, Euro-African relations, for instance, have continued to display an ever-present Master-Slave Psychology Syndrome. The Master-Slave Psychology Syndrome is seen to be singlehandedly responsible for hindering the balanced and productive flow of bilateral relations between Europe and its former colonies in Africa. This syndrome is based on the continual underlying impact of the psychology of human behaviour in shaping inter-state relations and the resultant policy outcomes. The Master-Slave Psychology Syndrome is active in two distinct aspects of inter-state relations. First, at the policy-making level in both regions and second, at the primary participatory level.

The existence of this syndrome is also seen in many histories and cultures which have had similar experiences like the pre-colonial context of Euro-African relations. The pre-colonial and post-colonial history of Euro-African relations is analyzed as a case study.

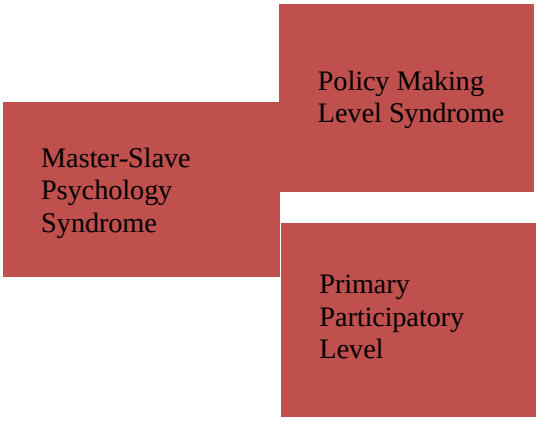
Whereas the *policy-making level* refers to the level of policy-making in government (foreign policy direction creation, trade policy-making, defence), at intergovernmental organizations [e.g. the United Nations (UN), World Trade Organization (WTO), International Monitoring Fund (IMF), Food and Agricultural Organization (FAO) etc.], the *primary participatory level* refers to policy receivers who are not part of policy-making at governmental level, but are actively involved at the community level, for instance as primary actors in internal (home) and foreign trade. These are the recipients that the policy measures are addressed to.

This is the core operational level, that includes, among others, business owners, primary producers of goods (involved in the manufacturing and transformation of raw materials to finished products), developmental aid recipients (who may not only be individuals but also countries, local governments), receiving-end professionals seeking knowledge or exposure in technology transfer, education, the direct public.

The Master-Slave Psychology Syndrome is to a large extent responsible for the reason and efficacy of soft power in countries with histories of being colonized. We see this for instance in the foreign policy of some anti-Western countries (notably North Korea and China) that encourage relations with developing countries who have some history of colonization and disenchantment against the West. North Korean foreign policy confirms this in its bilateral relations with most developing countries, especially in military bilateral deals with anti-Western regimes in Africa: notably, Uganda. North Korea possesses a coherent strategy and its bilateral defence ties with African countries must be considered in the broader context of Kim Jong-Un's attempts to create allies for North Korea through shared opposition to Western neo-colonialism (Ramani 2015, 2). The propensity of countries with histories of being colonized to wholeheartedly accept soft power is necessitated and sustained by the presence of the Master-Slave Psychology

Syndrome. President Museveni of Uganda, for instance, has emerged as a natural target ally for North Korea, as Museveni has exploited public disdain for the British colonial legacy to condemn Western pro-democracy and human rights organizations for fostering social imperialism in Uganda (Ramani 2015, 2). However, in the context of Euro-African relations, emanating from the historic occurrence of the 1884-85 Berlin Conference and the resulting implementation of the resolutions of this conference, the Master-Slave Psychology Syndrome has sabotaged efforts geared towards achieving social, economic, political and security sustainability in Europe and Africa because it has continually impeded *'trust'* which is a prerequisite for striking any balance in beneficial inter-state relationships. With the Master-Slave Psychology Syndrome active, multilateral cooperation between regions and countries becomes unproductive.

Figure 1: The Master-Slave Psychology Syndrome after Idejiora-Kalu



Source: Idejiora-Kalu 2019.

In Euro-African relations, the destructive effects of the Master-Slave Psychology Syndrome have continued to reoccur in the minds of the African: both, the African in the government responsible for making and defining policy direction and the African at the primary participatory level. European states on the other hand still unconsciously view and have, at times, viewed consciously African nations as their colonies while Africans nation States in turn, have also unconsciously and consciously viewed Europe as a still potent colonizing power. This drama has continued for close to two centuries in Euro-African relations. Standing on this view of reality, however, Europe has never seen Africa as an equal partner. It still views itself as a hegemon and this is reflected in all levels of the design of European foreign policy; most especially in military, trade, education and scientific cooperation, and many other critical areas in bilateral relations. Becker (Becker 2009, 5) confirms the presence of this syndrome in his identification of an *'unusual relationship'* existing between Europe, the United States of America (the North) and its colonies (Africa) as a result of the implementation of resolutions of the 1884-85 Berlin Conference, ditto the colonization of Africa. This development has had interesting effects in shaping Africa's foreign relations.

2. Some Notable Imbalances in the Legality of Treaties, International Law & Organizations

Some notable imbalances where powerful states have overtly applied and been bound by the Master-Slave Psychology Syndrome against less-powerful states are listed below. The aim is to establish the fact that indeed, an imbalance exists even in jurisdictions which profess equity and justice and even when the creating documents explicitly claim that it is meant to be so. The realization of this imbalance is a process of self-consciousness of especially less-powerful states who have continued to live within the ambit of this unbalanced regime.

2.1. The UN and its Governing Charter

In the United Nations (UN) there is a great imbalance and an arena where the Master-Slave Psychology Syndrome is conspicuously glaring. The UN Security Council (UNSC) and the manner in which it is crafted as the responsible body for enforcing the UN Charter and as the only UN body with the authority of issuing binding resolutions on member states whilst being dominated by only five permanent members (also known as the *Big Five*), namely: China, France, Russian Federation, the United Kingdom and the United States of America; and being able to make decisions on sanctions on states, approving military action as well as overwhelming powers to veto or block any substantive resolution, including those relating to the admission of new member states to the UN or nominees for the office of the Secretary-General, is legally and justifiably speaking, an imbalance in itself.

Under Article 27 of the UN Charter, Security Council decisions on all substantive matters require the affirmative votes of three-fifths (i.e. nine) of the members but one negative vote or 'veto' by a permanent member prevents adoption of a proposal, even if it has received the required votes. These *'special benefits'* or *'special criteria'* accorded the *Big Five* (also designed and sustained by them) under the UN Article 27 charter flies in the face of considerable contributions and sacrifices by the presumed less-powerful states who are arguably doing more to ensure that the UNSC meets its mandate to the world, far more than the Big Five. One of the cases where this argument is substantiated is in the provision of troops for peacekeeping operations.

Since 1948, about 130 nations have contributed military and civilian police personnel to the UN peace operations. Although detailed records of all personnel who have served in peacekeeping missions since 1948 are not available, it is estimated that up to one million soldiers, police officers and civilians have served under the UN flag in the last 56 years. Statistics from June 2013 indicate that a total of 114 countries were contributing a total 91,216 military observers, police and troops to United Nations Peacekeeping Operations. By February 2016, 124 countries were contributing a total of 105,314 personnel with Ethiopia leading the tally with 8,324 personnel, followed by India (7,695) and Bangladesh (7,525). In June 2013, Pakistan contributed the highest number overall with 8,186 personnel, followed by India (7,878), Bangladesh (7,799), Ethiopia (6,502), Rwanda (4,686), Nigeria (4,684), Nepal (4,495), Jordan (3,374), Ghana (2,859) and Egypt (2,750). As of 28 February 2015, 120 countries were

contributing a total of 104,928 personnel in Peacekeeping Operations with Bangladesh leading the tally (9,446). In March 2008, in addition to military and police personnel, 5,187 international civilian personnel, 2,031 UN Volunteers and 12,036 local civilian personnel worked in UN peacekeeping missions. Until October 2018, 3,767 people from over 100 countries had been killed while serving on peacekeeping missions. Many of those came from countries considered less-powerful states, namely India (163), Nigeria (153), Pakistan (150), Bangladesh (146) and Ghana (138). Thirty percent of the fatalities in the first 55 years of UN peacekeeping occurred in the years 1993-1995. Only about 4.5 per cent of the troops and civilian police deployed in UN peacekeeping missions come from the European Union and less than one percent from the United States (USA) (Peacekeeping Fact Sheet).

From the foregoing, one question in the face of justice and equity is, then: to which states (considering the great extent of their sacrifices) should the criteria for permanent membership and representation at the UNSC be justifiably given to if not the so called less-powerful states who have made (and still continue to make) sacrifices even from their lean treasury and in spite of the high loss of their armed personnel? This imbalance, and the position the *Big Five* powerful states have given themselves, overlooking the aforementioned facts, is simply unjustifiable.

2.2. Intellectual Property Rights (IPR) Regimes

Powerful states utilize their veto to make sure Intellectual Property Rights (IPR) regimes are limited to their strategic advantage and to the disadvantage of less-powerful states. As an informal standard rule, these IPR regimes give patents to powerful states even, for instance, when the inventions are not worth protecting or may not originally be their inventions, meaning that they have no right to own these patents. Ever since the early days, treaties on intellectual property often include carefully hidden caveats and instrumentalities benefiting powerful states such as the Paris Convention for the Protection of Industrial Property (1883), Bern Convention for the Protection of Literary and Artistic Works (1886), Madrid Agreement Concerning the International Registration of Marks (1891) and the Protocol Relating to the Madrid Agreement (1989), Hague Agreement concerning the International Registration of Industrial Designs (1925), Trade Mark Law Treaty (TLT) (1994), Patent Law Treaty (PLT) (2000), Strasbourg Agreement Concerning the International Patent Classification (1971), Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (1957), to name a few.

For instance, no treaty has been so oppressive and reflective of a slave status with regard to developing nations as the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (1957), revised at Stockholm in 1967 and at Geneva in 1977 and amended in 1979. It is this agreement that restricts the entry and control of African goods, ideas and their rights (indeed, it officially supervises their losses of these rights) to Europe as a former colonial master. Its special caveats for regulating trademarks and service marks (the Nice Classification) have exposed many inventions from Africa which have been compromised and re-invented and patents acquired in Europe to the detriment of the

African inventor, business idea owner, government and the benefits to the economy and to national pride that would have been received if these clauses were balanced as they should have been. So the now post-colonial independent states of Africa are still yoked under the Master-Slave Psychology Syndrome-centric perception of Europe still seeing herself as lord or ruler over the now independent African states. To be candid, if Africa doesn't considerably review its engagement, especially with Europe, within the provisions of the Nice Agreement, it's well-celebrated African Continental Free Trade Area (AfCFTA) which promises greater trade advantages, diplomatic leverage and huge economic benefits for the struggling continent and its ability to move-in its trade resources to other parts of the world for maximized profits may be frustrated, may become only a mere, lopsided supplier of resources for a former colonizing region like Europe which still believes under the influence of the Master-Slave Psychology Syndrome that its relations with the African continent is still between her as lord and colonial master and Africa as not an equal partner but simply an extended colony of Europe. When this happens (and the possibilities of this happening are undeniably there), then the AfCFTA may amount to nothing beneficial to Africa.

The Nice agreement, for instance, causes highly sought-after market-centric commodities like Bonny-Light crude oil from Nigeria to be quoted and regulated by the Brent Complex ruled by the United Kingdom and the US, with Nigeria, the country where this easy to distill 'light' crude oil, classified light oil because of its favourable API gravity of 32.9 is drilled from, with little or evidently null influence in the regulation and trade of this commodity. Nigeria has thus become under the causative factor of this Master-Slave Psychology Syndrome, a mere 'supplier' of Bonny-Light crude oil to essential markets with little economic benefits and ownership of this commodity and a resource of leverage globally. The political terrain in Nigeria, for instance, has been keenly monitored and conditioned to make sure that interests of the United Kingdom are maintained in the control of and access to this commodity, even as far as meddling in the electioneering of this country to make this possible (Idejiora-Kalu 2020, 9) and supporting, wherever possible, candidates that may not be popular with the Nigerian people but show some likelihood of supporting and maintaining the UK's interests in the Brent Complex scheme.

To a large extent, this explains the UK's long preference of the political hegemony of Northern Nigeria and their elites as opposed to the peoples of other regions and tribes which constitute the Nigerian union. To this date, Nigeria doesn't have a correct estimate (indeed does not know) the actual quantity and monetary benefits of the crude oil and gas that Shell Nigeria (the Royal Dutch Shell's Nigerian operator), through its four subsidiaries, primarily Shell Petroleum Development Company of Nigeria Limited (SPDC), lifts from Nigeria daily.

This is a highly guarded secret by Shell Nigeria while successive governments in Nigeria bother less to audit the process as they ought to do. Shell Nigeria's stakes in Nigeria's oil industry account for more than twenty-one per cent of Nigeria's total petroleum: a production of 2.1 million barrels per day from more than eighty fields. This trend is also seen in other cases of different globally sought-after and market-centric commodities which emanate from so called less powerful states but are undisputedly an essential sustenance factor in powerful states and global markets.

Furthermore, these caveats and instrumentalities in these treaties make sure that a less rigorous enquiry is made into the technical correctness of most of the matters for patenting for instance, certain issues are overlooked when considering patent applications from powerful states, while applications from less-powerful states go through unwarranted, rigorous processes which, at the end, either result in the less-powerful countries losing their application for such IPRs or lead to cases of the application details being compromised and patented in the powerful states instead. It is pertinent to mention that at this lopsided vetting of applications from less-powerful states, many things come into consideration such as interests as to what these less-powerful states are entitled to against what the powerful states consider a breach of or indictment on their national security.

Another interesting treaty is the Agreement on the Trade Related Aspects of Intellectual Property Rights (TRIPS), which, as an annex to the Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations, established an international intellectual property system, which, in my view supported by evidence, continues to *'trip'* Africa's effort of using knowledge to attain sustainable development. TRIPS has continued to *'trip'* the African region into *'sustainable underdevelopment'*, this being the case similar to a production line continues to produce dysfunctional products which culminate into sustained inoperable systems, polity and gross misery.

Nwauche (Nwauche 2005, 4) confirms that the TRIPS Agreement sought to globalize intellectual property rights in a manner that maximizes the interests of authors/inventors; accordingly, since the developed countries dominate the creative world, the Agreement is favorable to them and disadvantageous to developing countries. The enforcement of the TRIPS Agreement has drawn considerable attention from many different sectors, particularly from human rights organizations. For example, the UN Sub-Commission on the Promotion and Protection of Human Rights, in its Resolution 2000/7, titled: 'Intellectual property and Human Rights', states that: „since the implementation of the TRIPS Agreement does not adequately reflect the fundamental nature and indivisibility of all human rights, including the right of everyone to enjoy the benefits of scientific progress and its applications, the right to health, the right to food, and the right to self-determination, there are apparent conflicts between the intellectual property regime embodied in the TRIPS Agreement, on the one hand, and international human rights law, on the other."

With this imbalance, IPRs become mostly counter-developmental to less-powerful states. Dosi and Stiglitz (Dosi & Stiglitz 2013, 43) confirm that in developing countries, the tightening of the breadth and width of IPR over the last thirty years or so did not seem to display any positive effect on the rates of innovation. This study admits that there is circumstantial evidence to the contrary and indeed, a sound theoretical consideration of the nature of technological knowledge and the drivers of its accumulation fully reveals the limitations, and possibly even the perverse effects of IPRs. It goes on to admit that the relationship between IPR and development has become a source of increasing concern over the past fifteen years, for two related reasons: (a) It has become increasingly recognized that what separates developed from developing countries is a gap in knowledge, and that inappropriately designed IPR regimes can present an important impediment to closing the knowledge gap, and

therefore to development and (b) At the same time, the Agreement on Trade-Related Intellectual Property Agreements (TRIPS) of the Uruguay Round imposed a Western-style IPR regime on developing countries, one which many developing countries rightly worried might impede their access to knowledge and thus their development.

So concerned have many of those in the developing countries become about the adverse effects of this intellectual property regime that they have called for a „development-oriented intellectual property regime" just as they had called for a development-oriented trade regime.

All these calls from developing countries for a fairer and balanced IP administration process have been necessitated by the fact that they see a great imbalance and are indeed disadvantaged by the developed nations. This is traced to certain functional clauses and veto powers maintained by developed nations at the top levels of IP administration as it relates to developing nations. These clauses (or caveats) designed for developing countries cause IP and the need to foster knowledge for development impossible and a worthless task for these countries.

The United States, has for instance, granted patents for traditional knowledge (such as traditional medicinal uses of certain plants) which developing countries argue should not be patentable. Developing countries have widely criticized the patents on neem oil, basmati rice, and the medicinal uses of turmeric (Stiglitz 2006, 23; Brand et al 2005, 76). But the United States has not even ratified the Convention on Biological Diversity, under pressure from the pharmaceutical companies that fear it would provide (what they consider to be) „excessive" protection for the intellectual property associated with their use of genetic material derived from plants or animals in, say, developing countries in their products – even if the countries from which they had taken the plant or animal had devoted considerable resources to preserving their biodiversity.

Evidently, while incentives are important for the pharmaceutical companies, they are not for countries; and while companies should be rewarded for 'discovery', countries should not be rewarded for protecting their biodiversity – without which the discovery would not have been possible. The one point of intellectual consistency in the position of the U.S. is that it seeks an IPR regime that maximizes the rents for its companies and minimizes the rents that its companies might pay to others. The developed countries have tried to argue that „strong" IPR (in which traditional medicine can be patented, but genetic material that developing countries believe is theirs is left unprotected) is in the best interests of developing countries (Henry & Siglitz 2010, 1:237).

2.3. Imbalance of jurisdictions at the ICC

The International Criminal Court (ICC) at The Hague is another area of international law where the imbalance initiated by the Master-Slave Psychology Syndrome exists as it relates to the legal interface between powerful and less-powerful states. The ICC, established by the Rome Statute of 1998, 2002 (also a treaty) has, for instance, faced significant backlash from African states, asserting that the court has an anti-African bias (O'Toole 2017, 2). Burundi, South Africa and The Gambia have attempted to withdraw from the court, issuing harsh criticisms against a court that they see as selectively targeting Africa, pursuing a neo-colonial agenda, hindering peace processes and

disrespecting heads of state. In the meantime, the African Union (AU) at-large has signed a non-binding agreement in recent months to withdraw *en masse* from the court. The aim of the study is to further open-up enquiry into this form of imbalance in international law and to determine how this imbalance can be reduced to a level where balanced relations that respect the rule of law can be established.

Conclusion

If humans engage in self-consciousness and self-recognition, then, it is natural that nations, administered by humans, would crave to seek their *'self or state-consciousness'* and *'self or state recognition'*. In all these attributes however, the fallibility of man is a central feature. The master-slave psychology syndrome therefore admits that this self-recognition of state or state-recognition is only made possible when a state confronts another. This confirms the Igbo proverb which posits that *'if a snake doesn't swallow another snake it cannot grow big'*. So, the other state is a mirror that grants the state the recognition it seeks or the mirror through which a state sees itself. It is therefore a natural instinct of sovereign states to seek to subdue other states in order to gain this state-recognition in various manners, such as influencing jurisdictions to align with their dictates or simply propagating their interests to partner-states, having their way in international organizations, creating and sustaining caveats that protect their interests in treaties, deliberately sabotaging, blackmailing, invading or spying on other nations or simply fostering some form of global imbalance.

From the insatiability principle in the Hegelian parable, when, for instance, these states subdue other states, it is evident that subduing other states would not in any way gain the other state recognition. The best thing would be for both states to reach a redemption or final moment where both states can see each other as equals and interdependent. This balancing must be reflected in the legal and administrative dictates of treaties as they relate to interactions between powerful and powerful states, less-powerful and other less-powerful states, and powerful and less-powerful states. Having identified the fallibility of man as a catalyst for sustaining the master-slave psychology syndrome, it is pertinent to note that the deeds that give life, for instance, to treaties must be made firm in order for them to be beacons for the legal interface and administration of treaties between nations.

This paper is a product of ongoing research led by the author at the International Law, Diplomacy and Economy Research Center (ILDERC). The work will unravel other aspects in international law and international relations where there exist imbalances majorly caused by the Master-Slave Psychology Syndrome.

The areas in the international arena where the Master-Slave Psychology Syndrome appears are vast. In order to create a more just and equity-conscious world, there is a great need to bridge this imbalance. If international law seeks and portrays equity between nations, then there should be a balance that should not be difficult to identify in all aspects of jurisdictions and in all interactions between states. The justification of allowing or sustaining the Master-Slave Psychology Syndrome even in the light of binding treaties abrogates the tenets of the treaties in the first place, and is in itself, a blatant abrogation of the Vienna Convention on the law of treaties. Although the study

already identifies the presence of the Master-Slave Psychology Syndrome in international jurisdictions in matters and disputes involving powerful and less powerful states at the ICC and other institutions applying international law, a major aim of the study is to produce even further evidence to validate this claim of such deliberate or non-deliberate Master-Slave Psychology Syndrome functionality and dynamic in international jurisdictions.

Finally, further insight within the study identifies the Master-Slave Psychology Syndrome-necessitated imbalance as a reason for the embarrassing economic and political underdevelopment in most countries of the global South, because access to matters such as intellectual property and administration of patents (an economic enabler) is in most cases denied to less-powerful nations in the global South. In the end, these countries lose and become unable to access the technological solutions they need for their development and security. They are deliberately deprived access to the utilization and benefits of their indigenous knowledge since their indigenous knowledge cannot be harnessed, and harnessing knowledge is a principal component of transforming societies, as nations who lack the capacities to harness knowledge become a steadily deprived people. When this is the case, sustainable development becomes a utopia for such peoples and their nation-states; these nation-states therefore become continually, heavily dependent on the powerful nations for their technological capacity to the detriment and stagnancy of their science and its utilization for security and sustainable development. This perpetuates sustainable underdevelopment in these nations and this is a current trend evident in the IP regime as it relates to the legal interface with developing nations.

Funding for the research is highly solicited. Findings of the research will open doors for major reforms in the theory of international law and its application, especially as it relates to treaties and their administration between powerful and less-powerful states. This calls for the creation of an *„international law application balancing formula"*, a status (with its application system modules and structures) which would balance the regulation of these treaties as they relate to relations between powerful and powerful states, powerful and less-powerful states and less-powerful and less-powerful states, carefully but thoroughly detecting, restricting and removing wherever possible, any agents of imbalance (and the imbalance itself) like the ones caused by the Master-Slave Psychology Syndrome in the application of international law. This formula would enable international law to meet participating states in a manner that enforces balance and equity irrespective of how powerful or less powerful participating nations may be. International law and its interface and administration (also application) therefore should be balanced, equal, colourless, rational and free from arbitrariness. The reason for the recent probe of the imbalance in international law and global order is a development of a form of state-consciousness that is expected to lead to the self-recognition of states, which, when finalized, will lead to the negation and exposing of contradictions, leading to a more prosperous and equal world.[4]

[4] The author is indebted to Dr. Ildikó Bartha, head of the department of European Law and International Law, Faculty of Law, University of Debrecen, Hungary for her advice and encouragement to publish this work, reiterating how convinced she was of the relevance of my findings to international law and international relations. This work is dedicated to her.

References

- Becker, J. (2009). From/To Europe Project In *Metro Zone Center*, Zurich: Shedhalle
- Brand, R. (2005). The Basmati Patent In Weizsäcker, E. U. von, Young, O. R., Finger, M. & Club of Rome (Eds.), *Limits to Privatization: How to Avoid Too Much of Good Thing*, London: Earthscan Publications, pp. 55–57
- Dosi, G. & Stiglitz, J. (2013). The Role of Intellectual Property Rights in the Development Process, with Some Lessons from Developed Countries: An Introduction, *LEM Working Paper Series* 23: pp. 1–40
- Hegel, G. (1977). *Hegel's Phenomenology of Spirit*. New York: Oxford University Press
- Henry, C. & Stiglitz, J. (2010). Intellectual Property, Dissemination of Innovation and Sustainable Development. *Global Policy* 1(3): pp. 237–251
- Idejiora-Kalu, N. (2019). Understanding the effects of the resolutions of 1884-85 Berlin Conference to Africa's Development and Euro-Africa Relations. *Prague Papers on the History of International Relations* 2: pp.
- Idejiora-Kalu, N. (2020). Economic and religious interplay of interests as a reason for drastic change In Africa's electioneering dynamics. International Conference 'Elections in Africa', Paper presented at the First Joint Conference of the Institute of African Studies of the Russian Academy of Sciences and the Centre of African Studies of the Porto University in the Internal Changes and Foreign Policy of African Countries, 5-91298-213-2, *Africana Studia* 31: pp.
- Monga, C. (2010). Hegelian Macroeconomics – the Dialectics of Global Imbalances. *Policy Research Working Paper* 5175: pp.
- Munro, A. (2013). Superpower political science In *Encyclopedia Britannica*
- Nwauche, E. (2005). A Development Oriented Intellectual Property Regime for Africa. *Conference paper presented at the 11th General Assembly of the Council for the Development of Social Science Research for Africa (CODESRIA)*, Maputo, Mozambique, pp.
- O'Toole, M. (2017). Africa and the International Criminal Court: Behind the Backlash and Toward Future Solutions. *Honors paper for the Department of Government and Legal Studies. Bowdoin College Honors Projects*, pp.
- Peacekeeping Fact Sheet, United Nations [accessed December 20, 2010]
- Ramani, S. (2015). North Koreas African Strategy. *The Diplomat Magazine*, July 15, 2015, pp.
- Stiglitz, S. (2006). *Making Globalization Work.* New York: W.W. Norton