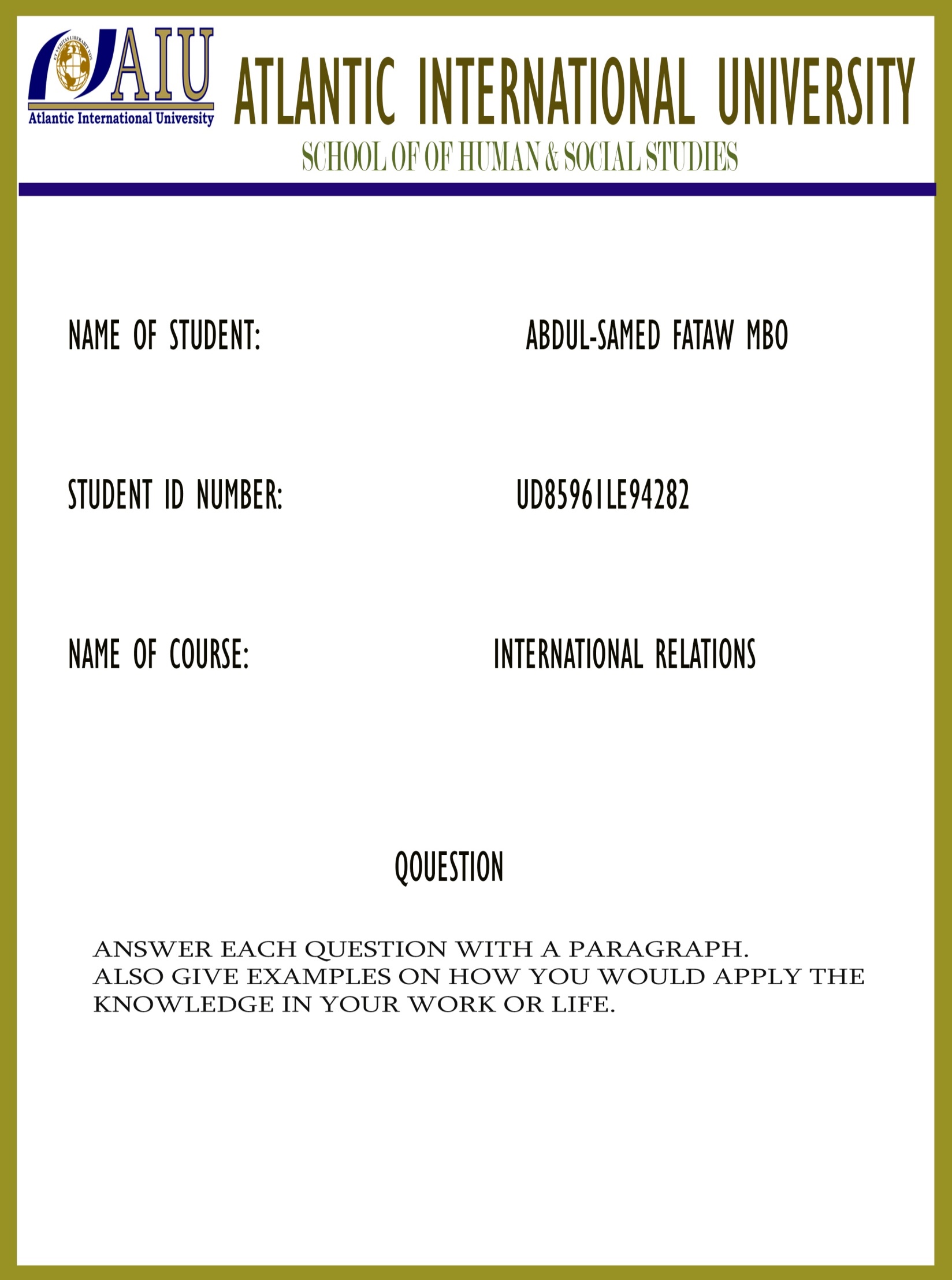
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**AIU Exam : International law**

**Subject of Course :**  **International Relations**

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**Name of study material (video or book)**

***The Globalization of World Politics: Introduction to International Relations***, (**Chapter 19; International law)**

This examination focuses on international law and therefore covers important concepts of international law. Firstly, it covers some factors that contributed to the rise of modern international law in the last two centuries

Secondly, it examines the paradox of international law. It further determines whether or not the ‘paradox’ of international law is really a paradox.

In addition to the above, it covers the institutions of international law and international organizations. It seeks to determine whether or not it is persuasive to argue or conclude that that states create institutions to sustain international order.

Aside the above, it also covers modern institutions of international law and its characteristics especially those characteristics not raised in the chapter.

Furthermore, the examination also considers the theories of international law. It looks at the theory that the student considers most persuasive and the reason for that claim.

In addition to the above it seeks to predict the future of international law using the theories surveyed or discussed in the chapter

Also, is discusses some of the strengths and weaknesses of the international legal system

The test also seeks to determine whether the absence of human rights in the world would be noticed by anyone and whether or not we are better off with human rights and the reason for the assertion.

Besides, it examines whether human rights are on life support or do they still embody the potential to transform the world and individual lives for the better and the need to give clear examples to support the above assertion.

Lastly, it examines local or familiar context in which human rights have been used to advance the rights of marginalized or disadvantaged groups and how they have been used to undermine the rights of ‘Others’.

It concludes by describing three most important concepts the student has learnt in the chapter and how he would use the knowledge to improve his life, work, and income as well as promote human rights in the world

1. Factors that contributed to the rise of modern international law in the last two centuries?

International law is best understood as a core international institution: a set of norms, rules, and practices created by states and other actors to facilitate diverse social goals, from order and coexistence to justice and human development.

It is important to state that several factors have contributed to the rise of modern international law in the law two centuries. Some of the factors that have contributed to the rise of modern international law the last two centuries are peace and security, human rights, International business, technology, religion and terrorism, justice.

First of all, human rights have contributed greatly to the development of modern international law. The role of women in particular has led to the enactment of several laws in the international area to protect and safeguard their activities most especially from male dominance. There are several laws against the discrimination and maltreatment of women. Laws have also been enacted to facilitate the participation of women in all spheres of life which were hitherto barred. An example is The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) ( 1979 ). Laws on human trafficking and sex trade as well as political and economic empowerment of women. Other human rights issues concerns children and people with disabilities.

Also, the emergence of modern technology has also contributed the to the development of modern international law. This has broad in its trail cybercrimes and issues of money laundering. The Convention on Cybercrime (2001) or the Budapest Convention is one of such legislation.

Another factor that has contributed to the development of modern international law is and security. In order to main international peace and security, the United nations and other institutions have enacted several laws in the international area, aimed at promoting peace and security in the world and which has been ratified by several nations. Article 2(3) of the United Nations Charter states that all members shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered. Also, sovereign nations have entered in to alliances to further guarantee their security. There are also laws regulating the sale of arms and ammunition (2010).

Terrorism has also contributed to the development of odern international law. It is a global phenomenon and has therefore gain international attention, leading to the promulgation of several legislations. The United Nations and the International atomic Energy Agency have enacted several laws and conventions aimed at combating terrorism. Some of the legal instruments are ‘The Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation an the Protocol on the Supplementary to the Convention for the Suppression and Unlawful Seizure of Aircraft ( 2010)

To end, religion has also contributed to the development of International Law in the last two decades. Laws have been enacted in the United States and the United Kingdom aimed at banning of wearing of veils by women. In Saudi Arabia and other gulf countries , women have now been permitted to drive.

It could be seen from the above that issues of peace and security, human rights, International business, technology, religion and terrorism, justice that have contributed to the rise of modern international law .

1. Is the ‘paradox of international law’ really a paradox?

The paradox of international law is really a paradox. On one hand international law is serving the interest of the west and powerful nations and on the other hand it is against the poor and weaker states especially Africa but Africa was seen as the champion proponent of key international regimes. On a larger scale, it is seen to have created global order but is also largely blamed for fuelling civil unrests or conflicts. The paradox of international law is discussed in detail below.

To begin with, International law is easily cast as a Western, even imperial, institution. Its roots lie in the European intellectual movements of the sixteenth and seventeenth centuries. Ideas propagated at that time not only drew on ideas of natural law, which could be traced back to ancient Greek and Roman thought; they also distinguished clearly between international laws that were appropriate among Christian peoples and those that should govern how Christians related to peoples in the Muslim world, the Americas, and later Asia. The former were based on assumptions of the inherent equality of Christian peoples, the latter on the inherent superiority of Christians over non-Christians.

Further evidence of this Western bias can be found in the ‘standard of civilization’ that European powers codified in international law during the nineteenth century (Gong 1984). Non-Western polities were granted sovereign recognition only if they exhibited certain domestic political characteristics, and only if they were willing and able to participate in the prevailing diplomatic practices. The standard was heavily biased towards Western political and legal institutions as the accepted model. On the basis of this standard, European powers divided the world’s peoples into ‘civilized’, ‘barbarian’, and ‘savage’ societies, a division they used to justify various degrees of Western rule.

Many claimed that Western bias still characterizes the international legal order. They cite the Anglo-European dominance of peak legal institutions and international human rights law, which is said to impose a set of Western values about individual rights on non-Western societies where such ideas are alien. These biases are seen as coming together in the issue of humanitarian intervention. Western powers are accused of using their privileged position on the Security Council, and of brandishing human rights norms, to intervene in the domestic politics of developing countries.

Paradoxically, modern international legal system rests on a set of customary norms that uphold the legal equality of all sovereign states, as well as their rights to self-determination and non-intervention. Non-Western states have been the most vigorous proponents and defenders of these cardinal legal norms.

Also, non-Western peoples were centrally involved in the development of the international human rights regime. The Universal Declaration of Human Rights was the product of a deliberate and systematic process of intercultural dialogue (Glendon 2002). And the International Covenant on Civil and Political Rights was shaped in critical ways by newly independent postcolonial states (Reus-Smit 2001, 2013)

The most distinctive characteristics of the modern institution of international law are its multilateral form of legislation, its consent-based form of legal obligation, its language and practice of justification, and its discourse of institutional autonomy.

In the past, it was unimaginable that individual state leaders who commit gross violations of human rights could be prosecuted for their actions. It was long assumed that such figures were protected by the doctrine of sovereign immunity. It is a fact most states turned a blind eye to even the most flagrant human rights abuses and were often unwilling to pursue former leaders closely associated with security forces and neighboring countries frequently offered asylum to exiled dictators, and there were few if any international legal mechanisms to hold these figures to account.

However, this situation has changed dramatically. The creation of the International Criminal Tribunals for the former Yugoslavia and Rwanda, and the subsequent establishment of the ICC, have greatly enhanced the international mechanisms for ensuring individual criminal accountability.

Furthermore, a growing number of post-authoritarian states have launched their own domestic prosecutions of former leaders, including heads of state. And in several cases, courts in other countries have sought to prosecute the leaders of other states for gross human rights violations (the most famous example being the attempt by a Spanish court to have the ex-Chilean dictator, Augusto Pinochet, extradited from the United Kingdom. However, some have criticized these developments. Pursuing prosecutions of sitting heads of state may undermine efforts to end civil conflicts and ensure transitions to democracy (Snyder and Vinjamuri 2004).

The paradox of international law is even widely displayed where international tribunals have been criticized for their slowness and questioned on the procedural fairness of their decisions, and they have also been cast as quasi-imperial tools of the West, institutions sponsored by Western governments and NGOs but focused squarely on crimes committed in weak, often non-Western, countries. For example, South Africa has pushed vigorously for African signatories of the Rome Statute that created the ICC to leave the court, claiming that it has unfairly targeted African states.

However, the truth of the situation is more complicated. Some of the most prominent figures in the struggle to have individual accountability codified in international criminal law came from the Global South, most notably the Egyptian legal scholar and activist Cherif Bassiouni. Also, in the negotiation of the Rome Statute of the ICC, African states were among the most enthusiastic supporters. And while critics point out that the majority of the ICC’s first cases have come from Africa, several of these were referred to the court by the African governments themselves.

It is clear from the above that that the paradox of international law is really a paradox as it is characterized with double standards and unsettled principles.

1. Do you find persuasive the argument that states create institutions to sustain international order?

First and foremost, it is true as in truism that states creates institutions sustain international order.

International institutions are commonly defined as complexes of norms, rules, and practices that ‘prescribe behavioral roles, constrain activity, and shape expectations. Some famous and deep rooted international institutions are The World Trade Organization and international treaties such as the Nuclear Non Proliferation Treaty ( NPT).

The Realist have strongly held the view that states create institutions to sustain international order. It is a widely acclaimed view of the realist that international relations is an arena of war. Where states are either at war or preparing to engage in war or at best recovering from war,. War according to the realist is a recurring feature of international life and is widely seen as a crude and a dysfunctional for states to ensure their security or realize their interest.

In the view of the realist it was imperative that states devoted as much, if not more, effort to liberating themselves from the condition of war and frequent violent conflict. There was therefore an urgent need for creating some modicum of international order, which had become an abiding common interest of most states, most of the time.

To achieve international order, states have created international institutions. International institutions are commonly defined as complexes of norms, rules, and practices that ‘prescribe behavioral roles, constrain activity, and shape expectations.

Basically, there are three classes of institutions. There are deep constitutional institutions, such as the principle of sovereignty, which define the terms of legitimate statehood. Without the institution of sovereignty, the world of independent states and the international politics it engenders would simply not exist.

The class of institutions created by states are fundamental institutions, such as international law and multilateralism, which provide the basic rules and practices that shape how states solve cooperation and coordination problems. These are the institutional norms, techniques, and structures that states and other actors invoke and employ when they have common ends they want to achieve or clashing interests they want to contain.

The last class of institutions developed by states are issue-specific institutions or regimes, such as the 1968 Nuclear Non-Proliferation Treaty (NPT), which enact fundamental institutional practices in particular realms of inter-state relations. This regulates international practices in respect of arms control

It is worthy of note that there are other middle stratum of fundamental institutions. These institutions exists, including international law, multilateralism, bilateralism, diplomacy, and management by the great powers (Bull 1977). However, since the middle of the nineteenth century, however international law and multilateralism have provided the basic framework for international cooperation and the pursuit of order.

Furthermore, it is important to put on record that of existing fundamental institutions, international law is one of the most important for understanding cooperation and order among states.

It is clear from the above analysis, that that states create institutions to sustain international order.

1. Can you think of other distinctive characteristics of the modern institution of international law not raised in the chapter? All the characteristics of international law have been raised.
2. Which of the theories of international law surveyed do you find most persuasive, and why?

Several theories of international law have been discussed. However, I find who argued that international law represents in part an attempt to transpose the Anglo Saxon concept of individual law into the international field and to make it applicable to governments as it is applicable here at home to individuals’. It does make international law alien and somewhat an imposition. The theories of the realist very persuasive and I align my thoughts with the realist after surveying the various theories of international law.

Secondly, I agree with the realist on the notion that the absence of a central authority to legislate, adjudicate, and enforce international law leads many to doubt t whether international law is really law at all. It appears international law is a kind of imposition and that partly explains why international appears to be weak and the notion that within the state, citizens are obliged to obey the law because sanctions exist to punish illegal behavior and that sanctions have been few in international relations, and enforcement mechanisms are rudimentary. In my view sanctions have been selectively applied in dealing with states within the international law space.

Also, I associate myself with the view of the realist that states create institutions to sustain international order. It is a widely acclaimed view of the realist that international relations is an arena of war. Where states are either at war or preparing to engage in war or at best recovering from war,. War according to the realist is a recurring feature of international life and is widely seen as crude and a dysfunctional for states to ensure their security or realize their interest.

Furthermore, I share the view of the realist that whenever groups of people have sought to survive and perpetuate their own political communities, they have had no choice but to pursue power and engage in struggle to defend themselves. The claim that realism possesses a timeless quality is based on such arguments. Although often deeply pessimistic, realists profess to describe the world the way it really is rather than how we wish it to be.

Aside the above, I also appreciate the view of the Realists that the United States had to act on the basis of its core national interests, rather than on the basis of abstract universal interests. With the dawn of the nuclear age, the core national interest of state survival could no longer be taken for granted. Realism taught foreign policy officials to focus on interests rather than on ideology, to seek peace through strength, and to recognize that great powers can coexist even if they have antithetical values and beliefs. The fact that real ism offers something of a ‘manual’ for decision-makers looking to maximize the interests of their state in a hostile environment helps explain why it gained such popularity in the late 1940s and 1950s, and why it remains the dominant tradition in the study of world politics.

Also, the realist tradition is based on their shared recognition that international politics is a continuous struggle for power. Those in the realist tradition contend that the condition of international politics is analogous to a state of war in which political actors have little choice but to be concerned with their own security. The ever present possibility of war necessitates that political actors take appropriate measures, including the use of lethal force, to ensure their own survival.

The insights these political theorists offered into the way in which state leaders should conduct themselves in the realm of international politics are often grouped under the doctrine of raison d’état, or reason of state. According to the historian Friedrich Meinecke (1957: 1), raison d’état is the fundamental principle of international conduct, the state’s First Law of Motion: ‘It tells the statesman what he must do to preserve the health and strength of the State.’ Most importantly, the state, which is identified as the key actor in international politics, must pursue power, and it is the duty of the states person to calculate rationally the most appropriate steps that should be taken to perpetuate the life of the state in a hostile and threatening environment. The survival of the state can never be guaranteed, because the use of force culminating in war is a legitimate instrument of statecraft

While Hobbes’s account of human nature incorporates a number of characteristics, perhaps most important is his claim that all men have a restless desire for power that ceases only in death. In the state of nature, where there is no higher authority to provide security, Hobbes argues that the condition resembles a state of war of every man against every man. The constant fear of violent death in the state of nature leads Hobbes to conclude that the life of man is ‘solitary, poor, nasty, brutish, and short’ (Hobbes 1985 [1651]: 186).

Although Rousseau was critical of how Hobbes depicted human nature, he too recognized the necessity of human beings leaving the state of nature and forming a social contract. Unlike Hobbes, however, Rousseau was deeply concerned that the contract establishing sovereignty should reflect the general will of the people; he argued that this was the only way in which the exercise of authority could be deemed legitimate. The problem, however, was that even if the newly formed contract embodied the general will of its members, each state merely articulates a particular will vis-à-vis other states. In other words, while the formation of a social contract solves one set of problems, it creates another set of problems for international relations: namely, no higher power exists to help settle conflicts among independent sovereign states. Rousseau’s insights are important for neorealists, who emphasize anarchy and the lack of central authority, rather than human nature, to explain international conflict.

The classical realist lineage begins with Thucydides’ representation of power politics as a law of human behavior. The desire for power and the need to follow self-interest are held to be fundamental aspects of human nature. The behavior of the state as a self-seeking egoist is understood to be a reflection of the characteristics of human beings. It is human nature and the motivations of fear, honor, and self-interest that explain why international politics is necessarily power politics.

Realists correctly assume that all states wish to perpetuate their existence. Looking back at history, however, realists note that the actions some states have taken to ensure their survival has resulted in other states losing their existence. This is partly explained by the power differentials that exist among states.

They contend that intuitively, states with more power have a better chance of surviving than states with less power. Power is crucial to the realist lexicon and has traditionally been defined narrowly in military strategic terms. Yet irrespective of how much power a given state may possess, the core national interest of all states must be survival. Like the pursuit of power, the promotion of the national interest is, according to realists, an iron law of necessity.

Finally, the three core elements of realism statism, survival, and self-help are present in the work of those who constitute the realist tradition are still very relevant modern times.

1. If you were asked to predict the future of international law, how would you use the theories surveyed to construct an answer?

International law play an important role in the global political area and the community of nations. It facilitates peace, security and cooperation among nations. It also strengthens trade and support among nations. It’s a great pillar that serves as a warning post and deterrence against the commission of crimes of grievous by individuals and leaders of both sovereign and non-sovereign states, It is however important to note that the future of international law looks bleak if serious steps are not taken and critical factors considered.

To begin with, for international law to remain relevant and to grow states must be greatly involved in the formulation of international law. There must also be wide consultation in the formulation of international law. It should not be imposed on states.

Secondly, there must be fairness in the application of international law especially in the application of sanctions, punishment of people on alleged violation of human rights and declaration of wars. International law must not be selectively applied by targeting only poor countries and weak people. As it stands now, it is perceived to be targeting the poor and the weak while the perceived super powers the (the West) free from the bondage of international law. Grievous crimes have been committed by both western leaders and their countries who have gone unpunished. The invasion of Iran and Iraq by America by George aw. Bush qualified for war crimes and terrorism.

Also, international law must be greatly domesticated and must conform to local laws to gain easy acceptance and compliance.

Additionally, there must be clear physical structures and institutions that regulates international law.

1. What do you think are the strengths and weaknesses of the international legal system?

The international legal system is the foundation for the conduct of international relations. It is the system that regulates state actions under international law.

International legal system is a sine qua non in international relations and global governance. Even though the benefits or importance of international law are enormous, it has its own strengths and weaknesses.

Chief among the strengths of international legal system is that it is widely recognized or credited for creating international or global order. It creates both international institutions and organizations such as the United Nations (UN) that it provides the legal and legislative framework on how states relates, as well as disputes resolution. It is seen as the life wire or current in international relations.

Another strength of international legal system is that both international law and multilateralism provide the basic rules and practices that shape how states solve cooperation and coordination problems (Reus-Smit 1999: 14). These are the institutional norms, techniques, and structures that states and other actors invoke and employ when they have common ends they want to achieve or clashing interests they want to contain.

Also, it is the bulwark in promoting international peace and security. It provides laws that protects weaker states and also constraints the powers of the super powers, thereby providing security to the weaker states and ensuring a healthy relations among them. The International Criminal Court is one the bodies that ensures security among states. Also United Nation resolution 984 protects states parties against the use of nuclear weapons.

Similarly, international legal system promotes human rights and good governance. There are several laws, protocols and conventions as part of international law that seeks to protect the rights of people both locally and internationally. The rights of women and children as well as the disable are paramount in international law. State actors are signatories to most of the treaties that seek to protect the rights of people and are bound by it both locally and internationally. A clear example is The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights was shaped in critical ways by newly independent is the convention on the Elimination of All Forms of Discrimination Against Women ( CEDAW) and the Convention on the Rights of the Child (CRC).

Furthermore, International legal system is affecting domestic legal regimes and practices, and the rules of the international legal system are no longer confined to issues of order. As international humanitarian law evolves, issues of global justice are permeating the international legal order.

It is also important to state that international legal promotes global governance. It is the quest for global governance that is pushing international law into new areas, raising questions about whether international law is transforming into a form of supranational law.

Aside the above, individuals, and to some extent collectivities, are gradually acquiring rights and responsibilities under international legal system, establishing their status as both subjects and agents under international law. Also Non-governmental actors are becoming important in the development and codification of international legal norms.

Additionally, the above, modern international legal system rests on a set of customary norms that uphold the legal equality of all sovereign states, as well as their rights to self-determination and non-intervention. Non-Western states have been the most vigorous proponents and defenders of these cardinal legal norms.

Similarly, non-Western peoples were centrally involved in the development of the international human rights regime. The Universal Declaration of Human Rights was the product of a deliberate and systematic process of intercultural dialogue (Glendon 2002). And the International Covenant on Civil and Political Rights was shaped in critical ways by newly independent.

In sum therefore, the modern institution of international law has developed four distinctive characteristics: a multilateral form of legislation; a consent-based form of legal obligation; a peculiar international law has language of reasoning and argument; and a strong discourse of institutional autonomy.

It is important to state that even though international legal system has its strengths, it equally has its weaknesses. One of the weaknesses of the international legal system is that it has no real effect on the nature and conduct of international relations, this is because International law is not real law, and cannot therefore have the same regulatory effects. Real law is created by a central authority most commonly, a state and it is enforced by centralized agencies, backed ultimately by the legitimate exercise of force. International law has none of these properties.

International legal exists only because it serves the interests of the powerful. The existence of extensive and complex bodies of international law is not evidence of law’s importance or power. Rather, it reflects their value for powerful states. If such states can create laws that codify their interests, and if the law’s legitimacy can generate compliance by weaker states, then the medium- to long-term interests of powerful states is served. The complexity of international law means that almost any actions can be justified.

International legal system comprises of laws that is complex and fragmented: multiple, overlapping legal regimes have emerged, often in the same issue-area, and states often encounter conflicting, or at least confusing, global and regional legal norms. This complexity means that states can choose from a menu of international legal norms so varied as to justify almost any conduct.

International legal system cannot keep pace with rapid changes in world politics. For example, the laws of war are designed to regulate a particular kind of warfare: between sovereign states, where combatants and noncombatants can be distinguished, and using a particular range of military technologies. Today’s wars challenge each of these aspects and profoundly undermine international law’s regulatory power.

Again, International legal system creates states as primary actors in world politics. Sovereign states do not just exist as self-created entities; they are creations of international society. To have sovereignty is to have certain rights as a legitimate actor, and these rights (as well as responsibilities) are embedded in international norms and practices, and recognized by other sovereign states. International law is the principal site in which the rights that come with sovereignty are codified.

Also, legitimacy is crucially important to states, and international law is one of its principal sources. If states can present themselves as legitimate actors, with legitimate interests, acting in legitimate ways, then others will step out of their way, or even cooperate with them. States are thus always seeking to bolster their legitimacy, and casting their goals and actions as consistent with international law is a common and robust means of doing this.

Similarly, when states break international law, they almost always reference it, thus reinforcing its status as a legitimate standard of international conduct. Few law-breaking states claim that international law is irrelevant or invalid. Instead, they deny that they broke the law, they insist that what they did was not covered by any law, or they claim that their actions were a defense of the law.

International legal system is easily cast as a Western, even imperial, institution. Its roots lie in the European intellectual movements of the sixteenth and seventeenth centuries. Ideas propagated at that time not only drew on ideas of natural law, which could be traced back to ancient Greek and Roman thought; they also distinguished clearly between international laws that were appropriate among Christian peoples and those that should govern how Christians related to peoples in the Muslim world, the Americas, and later Asia. The former were based on assumptions of the inherent equality of Christian peoples, the latter on the inherent superiority of Christians over non-Christians. Further evidence of this Western bias can be found in the ‘standard of civilization’ that European powers codified in international law during the nineteenth century (Gong 1984).

Non-Western polities were granted sovereign recognition only if they exhibited certain domestic political characteristics, and only if they were willing and able to participate in the prevailing diplomatic practices. The standard was heavily biased towards Western political and legal institutions as the accepted model. On the basis of this standard, European powers divided the world’s peoples into ‘civilized’, ‘barbarian’, and ‘savage’ societies, a division they used to justify various degrees of Western rule. Many claim that Western bias still characterizes the international legal order. They cite the Anglo-European dominance of peak legal institutions and international human rights law, which is said to impose a set of Western values about individual rights on non-Western societies where such ideas are alien.

These biases are seen as coming together in the issue of humanitarian intervention. Western powers are accused of using their privileged position on the Security Council, and of brandishing human rights norms, to intervene in the domestic politics of developing countries.

The presentation above, are some of the strengths and weaknesses of international law. However, it is important to state that the nature and role of international law in contemporary world politics is more complex than it first appeared.

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1. What evidence do you see that international law is transforming into a form of supranational law?

According to Higgins, states were the primary subjects of international law, the principal bearers of rights and obligations. The 1933 Montevideo Convention on the Rights and Duties of States established the ‘state as a person of international law’, defined what constitutes a state, and laid down states’ principal rights and obligations.

Secondly, states were the primary agents of international law, the only actors empowered to formulate, enact, and enforce international law.

Thirdly, international law was concerned with the regulation of inter-state relations. How states interacted with one another fell within the purview of international law; how they operated within their territorial boundaries did not—a distinction enshrined in the twin international norms of self-determination and non-intervention.

Finally, the scope of international law was confine or attempts were made to confine it to questions of order not justice. The principal objective of international law was the maintenance of peace and stability based on mutual respect for each state’s territorial integrity and domestic jurisdiction.

In recent decades states have sought to move beyond the simple pursuit of international order towards the ambitious yet amorphous objective of global governance, and international law has begun to change in fascinating ways. First of all, although states remain central, individuals, groups,

and organizations are increasingly becoming recognized subjects of international law. The development of an expansive body of international human rights law, supported by evolving mechanisms of enforcement, has given individuals, as well as some collectivities such as minority groups and indigenous peoples, clear rights under international law.

Also, in recent times there are efforts to hold individuals criminally responsible for violations of those rights evident in the war crimes tribunals for Rwanda and the former Yugoslavia, and in the permanent International Criminal Court; indicate the clear obligations individuals bear to observe basic human rights.

Furthermore, non-state actors are becoming important agents in the international legal process. While such actors cannot formally enact international law, and their practices do not contribute to the development of customary international law, they often play a crucial role in shaping the normative environment in which states are moved to codify specific legal rules; in providing information to national governments that encourages the redefinition of state interests and the convergence of policies across different states; and in actually drafting international treaties and conventions. This was demonstrated in the way the International Committee of the Red Cross drafted the 1864 Geneva Convention, and more recently in the role that multinational corporations played in shaping the investor protections in the 2018 Comprehensive and Progressive Agreement for Trans-Pacific Partnership.

Thirdly, international law is increasingly concerned with global, not merely international, regulation. Where the principles of self-determination and the principle of non-intervention erected a fundamental boundary between the international and domestic legal realms, this boundary is now being breached by the development of international rules that regulate how states should behave within their territories. Notable here is international trade law and the growing corpus of international environmental law, as well as the previously mentioned body of international human rights law. These laws’ penetration through the boundaries of the sovereign state is facilitated by the willingness of some national courts to draw on precepts of international law in their rulings.

Finally, the rules, norms, and principles of international law are no longer confined to maintaining international order, narrowly defined. Not only does the development of international humanitarian law indicate a broadening of international law to address questions of global justice, but notable decisions by the United Nations Security Council, which warranted international interventions in such places as Libya, have seen gross violations of human rights by sovereign states treated as threats to international peace and security, thus legitimating action under of the UN Charter. In such cases Council has drawn a link between international order and the maintenance of at least minimum standards of global justice.

Additionally, the evolution of the laws of war is one of the clearest examples of the aforementioned shift from international to supranational law. This is particularly apparent in the development since the end of the cold war. First, the International Criminal Tribunals for the former Yugoslavia and Rwanda (ICTY and ICTR) and, second, the International Criminal Court (ICC). The ICC is the most ambitious international judicial experiment since the end of the Second World War, established to prosecute the crimes of genocide, crimes against humanity, war crimes, and the crime of aggression.

In sum therefore, So long as international law was designed to facilitate international order, it was circumscribed in key ways: states were its principal subjects and agents; it was concerned with the regulation of inter-state relations; and its scope was confined to questions of order. Also, the quest for global governance is pushing international law into new areas, pointing to the fact that international law is transforming into a form of supranational law. Aside Individuals, and to some extent collectivities, are gradually acquiring rights and responsibilities under international law, establishing their status as both subjects and agents under international law. Also, Non-governmental actors are becoming important in the development and codification of international legal norms. Aside this, International law is affecting domestic legal regimes and practices, and the rules of the international legal system are no longer confined to issues of order. As international humanitarian law evolves, issues of global justice are permeating the international legal order.

The above evidence points to the fact that international law is transforming in to a form of supranational law.

1. Are the various challenges facing contemporary international law pushing the law into a crisis?

International law is widely credited for promoting international order and justice. Even though there are enormous gains, there are various challenges facing contemporary international law and which is gradually pushing it in to crises

First of all, according to Clark the perception that international law is in a period of crisis has if anything intensified (Clark et al. 2018). This is because, while the US has gone to great lengths to make many of its military practices legally compliant (Dill 2015; McLeod 2015), many of its other practices—such as the increased use of drone attacks and the extrajudicial killing of suspected terrorists—are challenging the capacity of international law to constrain contemporary warfare. This situation has been compounded by the Trump administration’s open disdain for international legal constraints on US military activities (note here its decision to terminate the 1987 Intermediate-range Nuclear Forces Treaty with Russia).

Also, Russia’s 2014 annexation of Crimea flaunted established principles of jus ad bellum. Finally, the violence of transnational insurgents such as the so-called Islamic State not only challenges cardinal laws of war, but does so in a deliberate strategy of highly choreographed provocation

Similarly, fears have grown that the established framework of international law is crumbling, unable to deal with the ‘revisionist’ practices of a unilateralist lone super power (for an excellent overview, see Steiner, Alston, and Goodman 2008). It is quite clear that, the will always have its say but the US will always have its way.

Clearly, since 2001 the laws of war have come under sustained challenge, as US conduct in the ‘war on terror’ has pushed the limits of both jus ad bellum and jus in bello. The Bush administration’s invasion of Afghanistan was widely seen as a legitimate act of self-defence, the Taliban government having openly harboured the Al Qaeda terrorist organization responsible for the 9/11 attacks on New York and Washington. However, the subsequent invasion of Iraq was roundly criticized as a violation of international law. The administration’s attempt to establish a new right of ‘preventive’ self-defense was unsuccessful, and it was unable to persuade a majority of Security Council members that the threat posed by Saddam Hussein was sufficient to justify an international peace enforcement action. A persistent aura of illegality has thus surrounded the Iraq conflict, an aura exacerbated by perceived abuses of jus in bello during the war on terror.

The most difficult and dangerous aspect of both the invasion of Afghanistan and Iraq by the US had been the treatment of suspected terrorist combatants. The Bush administration drew major international criticism for its imprisonment of suspects at Guantanamo Bay without the protections of the 1949 Geneva Convention or normal judicial processes in the US. It was also widely criticized for its practice of ‘extraordinary rendition’, the CIA’s abduction of suspects overseas and their purported transfer to third countries known to practice torture.

Also, fears have grown that the established framework of international law is crumbling, unable to deal with the ‘revisionist’ practices of a unilateralist lone super power (for an excellent overview, see Steiner, Alston, and Goodman 2008). President Barack Obama moved quickly to bring American practice closer in line with established precepts of international law: issuing an Executive Order to close the Guantanamo detention centre (a move he later retreated from); banning rendition for purposes of torture; mandating that the Red Cross be given access to anyone detained in conflict; and re-engaging multilateral processes on the use of force.

However, the perception that international law is in a period of crisis has if anything intensified (Clark et al. 2018). While the US has gone to great lengths to make many of its military practices legally compliant (Dill 2015; McLeod 2015), many of its other practices such as the increased use of drone attacks and the extrajudicial killing of suspected terrorists are challenging the capacity of international law to constrain contemporary warfare.

This situation was compounded by the Trump administration’s open disdain for international legal constraints on US military activities (note here its decision to terminate the 1987 Intermediate-range Nuclear Forces Treaty with Russia). For its part, Russia’s 2014 annexation of Crimea flaunted established principles of jus ad bellum.

It is instructive to note also that, Since 2001 both jus ad bellum and jus in bello have come under challenge, as successive US administrations have pushed the limits of international law in their conduct of the war on terror, transnational insurgents have openly flouted established legal principles, and Russia has undermined the territorial integrity of neighboring states.

Finally, the violence of transnational insurgents such as the so-called Islamic State not only challenges cardinal laws of war, but does so in a deliberate strategy of highly choreographed provocation.

1. How should we think about the relationship between international law and justice and ethics in international relations?

International law cuts across several facets of international relations and is regarded as the fibre optic cable or the backbone on which international relations operates. There is therefore a very close relationship between international law, justice and ethics in international relations.

First of all, secondly, at their core each seeks to build a better world based on universally agreed norms, rules and practices backed by effective institutions.

Also, in thinking or talking about the relationship between international law and justice, there must be fairness, nondiscrimination in the administration of justice among state actors and individuals. Laws must be applied equally without discriminations, there must be equality before and the poorer nations and the economic giants be treated equally. The west and the other divide of the world must be treated equally in the administration of justice. The administration of justice is a matter of serious concern. The west and its leaders are often left off the hook while the poorer or weaker states and their leaders are persecuted. This practice must seize.

Furthermore, international law and internal relations must respects the consent or otherwise of state actors, as sovereign states they must not be coerced to ratify treaties or be presented with economic booties as a bait to consent to or ratify obnoxious and toxic treaties all in the name of international law or fostering cooperation within the international spectrum. The ethics of states must be considered in the development and application of international law and relationship, a clear example is the application or ratification of laws on gay rights and its attendant problems, especially on poorer nations.

There is consistent threat to cut aid, loans, grants and other economic and social support schemes if poorer nations do not consent to gay rights and same sex laws. The ban on the wearing of veils in the UK and US was yet another gross violation of state ethics. The very funny but interesting question to ask is whether the state that supported or imposed the ban are the only actors in the international law and international relations arena? Where the states biting the bullets consulted as state actors or sovereign states? State culture and ethics must be respected in the application and development of international relations and international law.

I have learnt about the paradox of international law, supranational law and the concept of legitimacy.

The concept of legitimacy will help in making good and acceptable decisions in society. The concept of legitimacy also exudes the right of people in the community to participate in the decision making process. Similarly, the knowledge of supranational law will help in the acceptance and adoption of international law in our local communities. Finally, the paradox of international law will help in explaining how international came about and the role that state parties played in its formulation.

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