International Law – The Necessity and Challenges

Mains: *GS II – International relations*

Why in News?

The recent developments in the world order increasingly suggest that, the international rules are often treated as optional by powerful states.

What is International law?

- **International law** – It is a set of rules, norms, and standards that govern the conduct and relations between sovereign states, international organizations, and individuals.
- It provides a framework for global governance in areas like human rights, trade, the environment, and warfare
- **Evolution of the rules-based international order** – The devastation of two World Wars prompted the international community to establish legal and institutional frameworks aimed at preventing future conflicts.
- **Important laws & conventions** – Instruments such as the Hague Conventions, Geneva Conventions, United Nations Charter, Universal Declaration of Human Rights, and the United Nations Convention on the Law of the Sea (UNCLOS) sought to replace power politics with legal norms.
- The UN Charter, in particular, established two foundational principles:
  - Sovereign equality of states.
  - Prohibition on the use of force except in self-defence or with UN Security Council authorisation.
- **Significance** – Over time, international humanitarian law, human rights law, environmental agreements, and arms-control treaties expanded the scope of global governance.
- Despite imperfections, these frameworks significantly contributed to international stability and cooperation.
- **Concerns** – Over the time this laws were undermined by global powers.
- The weaker nations face scrutiny and sanctions for violations, major powers frequently escape accountability.

- This selective application of international law has raised concerns about the future of the rules-based international order.

What are the incidents that shows the erosion of international legal norms?

- **Violations of Sovereignty and the Prohibition on Force** –The 2003 Iraq War, launched without explicit UN Security Council authorisation and justified through claims that were later discredited, represented a major challenge to the UN Charter framework.
- Similarly, Russia's invasion of Ukraine in 2022 demonstrated how military power can override legal commitments.
- Such actions weaken confidence in the collective security system and encourage other states to disregard established norms.
- Beyond major powers, several regional conflicts have raised concerns regarding adherence to international law.
- Military interventions, cross-border operations, and unilateral uses of force have increasingly become instruments of foreign policy, often bypassing international consensus.
- **Challenges to Maritime Law** – UNCLOS is among the most widely accepted treaties governing oceans and maritime resources.
- Nevertheless, disputes in the South China Sea highlight growing disregard for international adjudication.
- Despite international legal rulings rejecting expansive maritime claims, competing assertions continue to be enforced through militarisation, artificial island construction, and coercive maritime activities.
- Such developments threaten freedom of navigation, maritime security, and regional stability.
- Similarly, tensions in strategic waterways such as the Strait of Hormuz demonstrate how geopolitical rivalries can undermine principles governing international maritime conduct and global trade routes.
- **Straining humanitarian law under severe** – International humanitarian law seeks to minimise suffering during armed conflicts by protecting civilians, prisoners of war, and non-combatants.
- Yet modern conflicts have exposed serious weaknesses in enforcement mechanisms.
- **Significant issues of civil wars** – Civil wars and regional conflicts across West Asia, Africa, and Eastern Europe have witnessed following issues:
    - Indiscriminate attacks on civilian populations.
    - Use of prohibited weapons.
    - Targeting of hospitals and humanitarian infrastructure.

    - Forced displacement and starvation tactics.
- The rise of non-state actors, terrorist organisations, and proxy warfare has further complicated compliance with humanitarian norms.
- In many cases, accountability remains elusive, reinforcing a culture of impunity.
- **Human Rights Commitments and Selective Compliance** – Human rights treaties represent humanity's collective commitment to dignity, freedom, and equality.
- However, violations continue across political systems and regions.
- Reports of mass detentions, ethnic persecution, suppression of dissent, extrajudicial killings, and restrictions on civil liberties have emerged from both authoritarian and democratic states.
- The challenge is not merely the occurrence of violations but the inconsistent response of the international community.
- Geopolitical interests often influence reactions to human rights abuses.
- Strategic allies may receive lenient treatment, while adversaries face stronger condemnation. Such selectivity undermines the universality and credibility of human rights norms.
- **Weakening arms control and nuclear restraint** – Arms control agreements have historically played a critical role in reducing strategic tensions and preventing catastrophic conflicts.
- However, several key treaties have weakened or collapsed in recent years.
- The erosion of agreements governing nuclear and missile technologies has revived concerns about:
    - Renewed arms races.
    - Strategic instability.
    - Nuclear proliferation.
- Countries pursuing advanced missile systems and expanding military capabilities signal a shift away from cooperative security arrangements.
- The weakening of arms-control frameworks increases uncertainty and elevates global security risks.
- **Challenges to environmental governance** – International agreements such as the Paris Climate Accord embody collective efforts to mitigate environmental risks.
- Yet implementation gaps remain significant.
- Many countries continue to struggle in meeting emission reduction targets.
- Illegal deforestation, biodiversity loss, and unregulated exploitation of marine resources further illustrate the limitations of international environmental law.

- Unlike traditional security issues, environmental challenges require sustained cooperation rather than coercive enforcement.
- The failure of states to honour commitments threatens long-term ecological and economic stability.

Why International Law struggles to enforce compliance?

- **Dependence on state consent** – International law largely operates through voluntary agreements.
- States can withdraw from treaties or refuse jurisdiction of international courts.
- **UN security council paralysis** – The veto power of permanent members often prevents collective action.
- Geopolitical rivalries frequently override legal considerations.
- **Limited jurisdiction of international courts** – Institutions such as the International Criminal Court lack universal jurisdiction.
- Major powers often remain beyond effective legal accountability.
- **Absence of a global enforcement authority** – Unlike domestic legal systems, there is no world government capable of enforcing judgments uniformly.
- These limitations create an environment where powerful states can evade consequences while weaker states face disproportionate scrutiny.

Why International Law Still Matters?

- **Common framework** – It provides a common framework for managing international relations and reducing uncertainty.
- **Standard setting** – It establishes standards against which state behaviour can be judged.
- **Improving cooperation** – It facilitates cooperation on issues such as trade, climate change, public health, and maritime security.
- Even when violations occur, legal norms influence diplomatic discourse, shape public opinion, and provide legitimacy to international responses.
- Many disputes are resolved peacefully because states continue to recognise the value of legal frameworks.
- Without international law, global politics would increasingly resemble a system governed solely by power, where weaker nations would have little protection against coercion.

What measures could be taken?

- Strengthening multilateral institutions and dispute-resolution

mechanisms.
- Enhancing accountability for violations irrespective of a state's power.
- Reforming the UN Security Council to reflect contemporary realities.
- Increasing support for international courts and treaty-monitoring bodies.
- Promoting a culture of compliance through diplomacy, transparency, and collective action.
- Encouraging greater participation of civil society and international organisations in monitoring violations.

What lies ahead?

- Preserving a rules-based international system is therefore not only a moral imperative but also a practical necessity for global peace, security, and sustainable development.
- In an interconnected world, the alternative to international law is not freedom—it is instability, conflict, and chaos.

Reference

The Hindu| Importance of International Laws

