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Significance of International Law in Fostering Stability in an Interconnected World

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ABSTRACT

International Law defines the legal responsibilities of States in their conduct with each other, and their treatment of individuals within State boundaries. International law is extremely vast and enshrined in conventions, treaties, and standards. In an increasingly interconnected world, the significance of international laws governing various domains cannot be overstated. This comprehensive study is divided into two overarching topics, the first section delves into the complexities of international trade law, a crucial facet of international relations that governs economic interactions between states. Rooted in principles like the favored nation, national treatment, and non-discrimination. International trade law relies on institutions like the World Trade Organization for the administration of rules and agreements. This segment underscores the significance of international law in fostering a stable and predictable system that responds adeptly to the dynamic needs and challenges of our interconnected world. The second section navigates the ever-evolving tapestry of international human rights law. This segment accentuates its growing prominence by providing a comprehensive framework for safeguarding basic rights and freedoms. Encompassing vital principles such as the right to life, freedom of expression, and equality before the law. International human rights laws find enforcement through various mechanisms, including treaty bodies, special rapporteurs, and international courts and tribunals.

The objective of the study is to highlight that international law is essential for ensuring a stable and predictable system of rules that can respond to the changing needs and challenges of an interconnected world. This paper seeks to underscore the indispensable role of international law in bridging the gap between state conduct and individual rights and explores the evolution, significance, challenges, and prospects of these legal frameworks, emphasizing the need for international cooperation and coordination to address contemporary issues.

Keywords: *International Law, International Human Rights, International Trade Law, National Treaties, Enforcement Mechanism, World Trade Organization.*

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I. INTRODUCTION

In an era where the world is more connected than ever before, the dynamics of international relations have undergone transformative shifts, which necessitates a framework to navigate the complexities of the contemporary geopolitical landscape. The Significance of International Law in Fostering Stability in an Interconnected World has emerged as a focal area of inquiry, as nations find themselves increasingly intertwined in economic, political, and social webs. This research paper delves into the multifaceted role that international law plays in shaping the stability of our interconnected world, emphasizing its influence on diplomatic relations, conflict resolution, and the promotion of human rights. The rapid growth of globalization has heightened the interdependence among nations, creating collaborative efforts in addressing global challenges. In this context, the role of international law becomes paramount, serving as a guiding framework that establishes norms, principles, and rules governing the behavior of states. This research explores how international law acts as a stabilizing force by providing a common ground for nations to negotiate, cooperate, and resolve disputes through peaceful means, thus mitigating the potential for conflicts that may arise in an interconnected world.

(A) International Law

The term '*International law*', also referred to as *Laws of Nations* was first coined by Jeremy Bentham in the year 1780. Every country is referred to as a '*state*' in International Law. International law serves as the foundational framework that governs relations between sovereign states and entities on the global stage. It embodies a complex system of rules, treaties, conventions, and norms designed to regulate the conduct of nations and promote peaceful coexistence. As an ever-evolving field, international law addresses a broad spectrum of issues, including human rights, environmental protection, trade, and conflict resolution. Its significance lies in fostering a shared understanding of acceptable behavior, facilitating cooperation, and providing a mechanism for resolving disputes on the international scale. The scope of international law extends beyond state-to-state relations and includes various factors and entities. It covers areas such as human rights, environmental protection, armed conflicts, trade, and diplomacy.

(B) Significance of International Law:

International law is of paramount importance in the contemporary world for several reasons. Firstly, it provides a framework for resolving disputes and conflicts between states, helping to prevent the escalation of tensions into armed confrontations. Secondly, it promotes the protection of human rights and the rule of law on a global scale, setting standards for the

treatment of individuals regardless of their nationality. Additionally, international law contributes to the establishment of norms and principles that guide state behavior, fostering a sense of predictability and stability in the international arena. Overall, the significance of international law lies in its role as a key instrument for maintaining order, promoting cooperation, and addressing the complex challenges that arise in the interconnected global community.

(C) International Trade Law

International trade law refers to the body of legal rules and regulations that govern the exchange of goods and services between countries. The primary purpose of international trade is to facilitate and regulate international commerce, ensuring that trade activities are conducted fairly, transparently, and in accordance with established principles. International trade law plays a crucial role in fostering global economic cooperation and facilitating the smooth flow of goods and services across borders. International trade law contributes to the overall economic development of nations by opening up markets and facilitating the movement of goods and services. It promotes specialization and comparative advantage, allowing countries to focus on producing goods and services in which they have a competitive edge. This specialization leads to increased efficiency and productivity, ultimately benefiting consumers through a wider array of affordable and diverse products.

(D) Historical Development of International Trade Law

The historical development of International Trade Law can be traced back to the aftermath of World War II when the international community sought to establish a framework for promoting global trade and preventing the trade barriers that had contributed to economic instability and conflict³. The General Agreement on Tariffs and Trade (GATT) played a crucial role in shaping the landscape of international trade law.

1. Bretton Woods Conference (1944): The Bretton Woods Conference, held in 1944 in New Hampshire, USA, laid the foundation for the post-war economic order. Delegates from 44 allied nations gathered to establish institutions that would facilitate international economic cooperation. The International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (IBRD, later part of the World Bank) were created during this conference, but discussions also set the stage for the eventual establishment of GATT.

³ Timeline of international trade, WIKIPEDIA, THE FREE ENCYCLOPEDIA https://en.wikipedia.org/wiki/Timeline_of_international_trade#

2. **General Agreement on Tariffs and Trade (GATT) 1947:** In the year 1947, the GATT emerged as an interim measure to address trade-related issues. GATT was signed in Geneva in 1947 by 23 nations and came into effect in 1948. It was a multilateral agreement aimed at reducing tariffs and trade barriers among member countries, promoting fair trade practices, and fostering economic cooperation.
3. **Havana Charter (1948):** The Havana Charter for an International Trade Organization (ITO) was drafted in 1948 with the aim of creating an international body to regulate trade and address various issues such as employment, commodity agreements, and business practices. However, the Havana Charter was not ratified due to political disagreements, particularly in the United States⁴.
4. **Rounds of Negotiations:** GATT operated through a series of negotiation rounds, each aimed at further liberalizing international trade. Notable rounds include the Kennedy Round (1964-1967), the Tokyo Round (1973-1979), and the Uruguay Round (1986-1994). The Uruguay Round, in particular, led to the creation of the World Trade Organization (WTO) and the signing of various agreements that expanded the scope of trade regulation beyond goods to include services, intellectual property, and dispute settlement.
5. **World Trade Organization (WTO):** The WTO officially replaced GATT on January 1, 1995, with the goal of providing a more comprehensive and institutionalized framework for regulating international trade. The WTO oversees the implementation of trade agreements, facilitates negotiations, and provides a platform for dispute resolution.
6. **Doha Development Agenda (2001):** The Doha Round, launched in 2001, aimed to address issues related to trade barriers, agricultural subsidies, market access and intellectual property rights.

Key Principles of International Trade Law includes:

1. **Most-Favored Nation [MFN]:** The Most-Favored Nation (MFN) principle is a concept in international trade law that refers to a country's commitment to treating all its trading partners equally by granting them the same favorable trade terms.
2. **National Treatment:** The national treatment principle requires that foreign goods and services be treated no less favorably than domestic goods and services. Once a foreign product enters a country's market, it should be given the same treatment as domestically

⁴ Ivan D. Trofimov, *The Failure of International Trade Organization: A policy Entrepreneurship Perspective*, Canadian Centre of Science and Education, pg 56 (2012)

produced goods.

3. **Non-Discrimination:** This principle emphasizes that countries should not discriminate between their trading partners.
4. **Transparency:** Transparency involves providing clear and accessible information about trade policies, regulations, and measures. This principle ensures that countries are aware of each other's trade-related laws and practices.
5. **Fair and Equitable Treatment:** This principle obliges countries to treat foreign investors and their investments fairly and without discrimination. It ensures that investors from one country are not unfairly treated compared to domestic investors.
6. **Market Access:** Market access involves the ability of foreign goods and services to enter a country's market on fair terms. It discourages discriminatory measures that restrict or distort international trade.

II. INTELLECTUAL PROPERTY RIGHTS IN INTERNATIONAL TRADE

Intellectual Property Rights (IPR) refer to legal protections granted to the creations of the mind, such as inventions, literary and artistic works, designs, symbols, names, and images used in commerce. These rights provide creators and inventors with exclusive control over the use of their creations, encouraging innovation and creativity. In the context of international trade, IPR plays a crucial role in protecting the interests of individuals, businesses, and nations by fostering a fair and competitive global marketplace.

Intellectual Property Rights (IPR) play a pivotal role in shaping the landscape of international trade, with their significance underscored by various critical aspects. IPR serves as a powerful incentive for innovation, acting as a catalyst for inventors and creators by assuring them of fair rewards for their intellectual endeavors. This not only stimulates economic development but also propels technological progress, contributing to the overall advancement of societies. IPR also functions as a guardian of consumer interests. By ensuring that products in the market are genuine and of high quality, IPR mitigates the risks associated with counterfeiting and piracy. This not only enhances consumer trust but also safeguards their safety, underscoring the critical role of IPR in consumer protection⁵. Lastly, IPR is a fundamental component of international trade agreements, establishing a framework for cooperation and ensuring a level playing field among trading partners. By harmonizing intellectual property standards, these agreements

⁵ Keith E. Maskus, *International Agreements on Intellectual Property Rights: TRIPS and Beyond*, (2018) https://www.colorado.edu/faculty/kmaskus/sites/default/files/attached-files/maskus_chapter_0.pdf

facilitate smoother and more equitable global trade, fostering collaboration and mutual benefit among nations.

(A) International Agreements

1. TRIPS Agreement

One of the most significant international agreements related to intellectual property is the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). TRIPS is a part of the World Trade Organization (WTO) agreements and sets out the minimum standards for the protection and enforcement of intellectual property rights. TRIPS establishes a comprehensive framework for the protection of various forms of intellectual property and includes provisions related to patents, trademarks, copyrights, and trade secrets. Member countries are required to comply with the standards set by TRIPS, ensuring a harmonized and consistent approach to intellectual property protection in international trade.

2. Regional Trade Agreements

Regional trade agreements (RTAs) are international treaties between two or more countries within a specific geographic region, aimed at fostering economic cooperation and integration. These agreements facilitate the movement of goods, services, and investments across borders, leading to increased economic interdependence among participating nations⁶. Major RTAs include the Association of Southeast Asian Nations (ASEAN), the North American Free Trade Agreement (NAFTA), which was later replaced by the United States-Mexico-Canada Agreement (USMCA), and the European Union (EU).

3. Bi-lateral Trade Agreements

Bilateral trade agreements involve two countries and aim to liberalize trade between them. These agreements cover various aspects, including tariff reduction, market access, and regulatory alignment. Notable examples include the U.S.-Canada Free Trade Agreement (1988), which later became the North American Free Trade Agreement (NAFTA) and was superseded by the United States-Mexico-Canada Agreement (USMCA) in 2020.

4. Mega-Regional Agreements

Mega-regional agreements involve multiple countries from different regions and often cover a wide range of issues. The Trans-Pacific Partnership (TPP) and the Regional Comprehensive Economic Partnership (RCEP) are examples of mega-regional agreements.

⁶ *Intellectual Property Rights and International Trade* (2007)
<https://www.everycrsreport.com/reports/RL34292.html>

(B) International Human rights

The term “human rights” refers to a range of inherent rights that every individual has irrespective of their color, race, sex, language, birth, or other status, political or other opinion. Human rights are completely different from other rights in two aspects: firstly, it is a natural right which cannot be acquired, transferred, surrendered, or disposed of by any act or incident and secondly, it is the duty of the public authorities of the state to act compatible with the rights and not the individual. The concerns of the contemporary world over various aspects of human rights have expanded the scope of human rights. Human rights are now more comprehensive and refined in application. These rights are sanctioned by International legal standards and recognized globally, they now include all rights that are essential for human life, security, and dignity.

Post World War II initiative: the UN charter

The principles of customary international law of the time addressed only the situation of some people inside the state and where the concern seemed proper in a system of autonomous state. Therefore, after World War II, initiatives regarding the minorities were taken which then focused on specific categories of people. Concerns of a man as a human being began to become clear after the war. The atrocities committed against mankind during World War II by fascist states convinced all nations to protect individual freedoms which could not be left to a singular state. This became the primary purpose of the new United Nations organization. The first international charter was signed in San Francisco in 1945 which promoted the universal respect for human rights and fundamental rights.

UN Organs on Human Rights

1. The General Assembly:

The general assembly passes resolutions which declare human rights standards or condemn violations of human rights. Peace-keeping efforts are also undertaken by the General Assembly in respect of actual breach or threat to breach of peace within nations.

2. The Economic and Social Council (ECOSOC):

Having a general jurisdiction over matters of human rights, this organ is responsible for monitoring the overall human rights scenario in states and has the power to take initiatives in adopting resolutions on economic, social and cultural rights.⁷

⁷ Reisman, Michael, “*Sovereignty and Human Rights in Contemporary International Law*” in Steiner and Alston (eds.), op. cit., 159 (1996)

3. The UN Commission on Human Rights:

The commission is responsible for drafting human rights conventions, treaties, and declarations before they are placed before the General Assembly for adoption. It undertakes specialized training programs and conferences on human rights issues to promote awareness and knowledge on human rights.

The Universal Declaration of Human Rights 1948

In respect of international human rights, the Declaration of Human rights (1948) was one of the major achievements of the United Nations. It is the first international instrument which is neither a treaty nor a convention but a proclamation. It sets a common standard of achievement for people and nations and gives a concrete shape to the concept of human rights. The basic foundation of this proclamation is that all human beings are born free and their rights are entirely based on the principle of equality and non-discrimination. Articles 3-21 contain civil and political rights: rights to life, liberty, property, fair trial, freedom of expression, association, and so on. While articles 22-27 state economic, social, and cultural rights.

International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights 1966

The Universal Declaration of human rights lacked the binding force which was later transformed into legally binding rules through the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. The Covenant on Civil and Political Rights specifies the right to every person to life, privacy, security, inhuman and degrading treatment, freedom from slavery, right to peacefully assemble and association, right to fair trial and so forth. It contains fundamental freedoms that are natural rights abided by being a human. The Optional Protocol to the Covenant on Civil and Political Rights empowers the individuals to appeal to the United Nations upon their rights being violated. The Covenant on Economic, Social and Cultural Rights recognizes the right to work and employment, to form unions, have set standards of living and social security, to food, education, shelter, to fair wages, and participation in social and cultural life. The Covenants have different obligations which set them apart from the UDHR. Some of the other Human Rights Instruments: Genocide Convention (1948), Refugee Convention (1951), Convention on the Elimination of All Forms of Discrimination Against Women (1979), Declaration on the Elimination of Religious Discrimination (1981).

Enforcement of Human Rights

Human rights instruments are recognised globally and mentioned in various substantive norms and international procedures. However, they are promotional in their nature and hence lack

enforceability or implementation. In the name of maintaining national sovereignty, States often refuse to be subjected to international scrutiny regarding human rights practices, particularly because it would entail exposing violators who would then be removed from power.⁸ However, in recent times, the concept of state sovereignty has undergone various changes. The more modern approach accepts that national sovereignty is violated when an internal tyrant of power wields authority against the wishes of the people. While protection of sovereignty is still of paramount concern, the object of such protection lies, not in the power base of a tyrant ruler but, in the continuing capacity of a population to freely express their choices.⁹

The non-enforcement of international human rights is often the outcome of a very clever outcome of political power and their influence on decisions. The resolutions passed by the United Nations are recommendations made to the member states and it is often argued that they do not have any law-making effect and as such, are not ipso facto binding on States. While this is true circumstances, it is necessary to regard such resolutions as vehicles for the expression of state practice which provide evidence relevant to the formation of rules of customary or general international law.¹⁰

III. INTERNATIONAL HUMAN RIGHTS AND ENVIRONMENTAL LAW

The United Nations Commission on Human Rights in its resolutions taken in the years from 1993 to 1995. All the member states are to act in accordance with their common but differentiated responsibilities and respective capabilities. In RIO Declaration on Environment and Development, Principle No.1 emphasizes that “Human beings are at the center of concerns for sustainable development and they are entitled to healthy and productive life in harmony with nature.” In the recommendations of the Sub-Commission set up by the UN Commission on Human Rights, it is specified that environmental problems have a global character and need to be addressed for a solution by all the member states.

To understand the phenomena of environmental problems having a global character, it is important to recognise hazards affecting the planet and the living conditions of human beings and impair their fundamental rights. The Stockholm Declaration 1972 states in its Principle I: “Man has a fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being and he bears a solemn

⁸ Reisman, Michael, “*Sovereignty and Human Rights in Contemporary International Law*” in Steiner and Alston (eds.), op. cit., 159 (1996)

⁹ Ibid

¹⁰ Brownlie, Ian, “*The Human Right to Development*”, *Human Rights Unit Occasional Paper*, Human Rights in Development Series, 14 (London, 1989).

responsibility to protect and improve the environment for present and future generations”. The realization of a global approach to these phenomena that takes in their multidimensional aspects, including their human aspects, it is now possible to move from environmental law to environmental rights.

(A) Anti terrorist laws

The 21st century is facing the biggest desolation in the history of mankind in facets of terrorism which is more cruel and inhuman than the two world wars. Four of the treaties against terrorism include: Convention against hostage taking 1979, Convention against terrorist bombings 1997, Convention against the financing of terrorism 1999 and the Convention against nuclear terrorism 2005.

Terrorist organizations are spreading like forest fire and devastating the life of innocents. The armed non-state actors of terrorist organizations such as Al-Qaeda, Taliban, Boko-Haram are some of the menace machines. However, they are still not under the preview of international criminal law due to the legal binding effect of international regulations. They are still immune from prosecution before the International Criminal Court. The scope of international obligations pertaining to non-state organization is not developed in law and practice. The existing international courts allow cases brought against State and individuals. As international criminal law, by holding terrorist organization accountable before international criminal tribunals and through the incorporation of international humanitarian law and fundamental human rights norms in its corpus juris, can play a vital role in responding to terrorism by providing equal justice for victims, fair treatment of suspects, and alternatives to collective assignations of guilt that lead to the perpetuation of group-based hatred, discrimination, and violent reprisals.¹¹

International law and its effect on national legislations of a country

1. India

The Indian Constitution acknowledges the supremacy of international treaties and agreements, considering them an integral part of the law of the land. This constitutional recognition, however, does not imply a direct incorporation of international law into domestic statutes. Instead, India relies on its legal mechanisms to give effect to international obligations. The federal structure of the country allows the central government to enact laws to implement treaty obligations, while the states may also play a role in certain areas. In cases of conflict between

¹¹ Michael, “*Sovereignty and Human Rights in Contemporary International Law*” in Steiner and Alston (eds.), op. cit., 159 (1996)

domestic and international norms, Indian courts have established principles to ensure conformity with international obligations, emphasizing the harmonization of both legal spheres. This intricate interplay reflects India's commitment to upholding its international responsibilities while navigating the complexities of its diverse legal landscape.

2. United States of America

International law, encompassing treaties, conventions, and customary practices, has played a crucial role in shaping and guiding domestic policies in the United States. Treaties ratified by the U.S. Senate, such as the Geneva Conventions or the United Nations Charter, have directly impacted the country's legal landscape. Additionally, international legal principles, including human rights norms and environmental standards, have influenced the development and interpretation of domestic laws. The impact of international law on the United States' national legislations underscores the country's recognition of its role as a responsible member of the international community, promoting adherence to shared values and norms.

3. United Kingdom

There is no written Constitution in Britain. Moreover, regarding Britain as a whole, there are no specific rules and regulations pertaining to application of international law, in a generic sense, in the national legal system. The United Kingdom is not a federal system, although powers have been developed to Wales, Ireland, and Scotland. The basic arrangement in all three cases is that the central government in London can order public officials of the developed regions to take any necessary steps to give effect to 'any international obligation' of the UK, and conversely can forbid the devolved governments from taking any action that would be inconsistent with the UK's international obligations.¹² Rules of customary international law rank equally with the other norms of British common law. This denotes that, in the event of a clash between them, the more recent in time prevails.

IV. CHALLENGES OF INTERNATIONAL LAW

- **Uniform laws:** International law lacks a universal authority to govern over all nations. It is highly influenced by each state's treaties, conventions, customs, and general principles, leading to unique legal systems. Resulting in the laws being different between countries.
- **Enforcement:** International dispute resolution depends on mutual consent, with states

¹²Dinah Shelton, *International Law and Domestic Legal Systems: Incorporation, Transformation, and Persuasion* (ed.) cit 46 (1994)

agreeing to the jurisdiction of adjudicatory bodies, and the enforcement of these decisions are upon the states to follow. There is no repercussion for the same.

- **War and National Security:** It is often challenging to balance humanitarian concerns with political and security concerns. Two countries having a war create difficulty in applying international law. For example, the US invasion of Iraq in 2003 and Israel's actions in Palestine.
- **Power Dynamics:** For instance, war between Russia and Ukraine violated international law. Ukraine filed ICJ cases in 2017 regarding terrorism financing and racial discrimination. Even if the ICJ rules in favor of Ukraine, enforcement requires UN Security Council support, where Russia has the veto power highlighting the powerful state's influence and power.

(A) Our perspective

Firstly, we would like to start with an example of Israel. Israel's bloody war in Gaza that has caused unprecedented death and destruction. Images of terrified and screaming children have stained humanity's collective conscience. This war started when the world was still reeling from the shock of Russia's brazenly illegal invasion of Ukraine, which, too, has caused devastation. These two wars have led many to pronounce the death of international law, especially the rule prohibiting the use of force in international relations: the crown jewel of the United Nations Charter codified in Article 2(4).

But this is not the first time international law has been declared dead. More than 50 years ago too, Thomas Franck argued that Article 2(4) was dead because it worked on the flawed assumption that the permanent members of the UN Security Council would continue to cooperate after World War-2. While it is true that the international community has abjectly failed in preventing or stopping these wars. True, international law suffers from several structural deficiencies. In fact, critical scholars would trace the origin of the ongoing and past military conflicts in the genealogy of international law laced with imperial and colonial character. It is also a fact that, unlike municipal law, international law lacks a global police force to enforce it successfully, notwithstanding the growth of several international courts and tribunals. Yet, international law matters.

Thus, assessing the usefulness of international law requires shifting the benchmarks away from a general theory of compliance. And if compliance alone was the matrix to determine the efficacy of law, a lot of domestic law would also have to be declared useless, given the

innumerable violations in municipal legal systems. Somewhat related to Howse and Teitel's point is Harold Hongju Koh's argument that states are accustomed to complying with international law through a complex transnational legal process.

In other words, when a country engages with international law, it triggers a complex process of institutional interactions whereby global norms are debated, interpreted, and internalized by that nation's domestic legal system. Accountability However, as Monica Hakimi argues, the significance of international law cannot be limited to material outcomes because the fundamental attribute of any legal system should be its ability to distinguish between sheer public power and legitimate authority. Hakimi argues that international law matters because, through its argumentative practices, it has the potential to hold those who wield public power accountable for their conduct.

In December, South Africa moved the International Court of Justice (ICJ) alleging that Israel's conduct in Gaza violates the Convention on the Prevention and Punishment of the Crime of Genocide. This is a case in point. This accountability need not always be in the form of punishing the decision-makers for noncompliance. However, accountability stems from several actors such as states and private individuals invoking international law to ask questions of those in power and make a case if their actions are illegitimate. While this system of holding those in power accountable is not ideal, it does push countries and actors to explain their conduct. For example, the Israel Defence Forces have tried to explain how their military offensive is consistent with international law. While one may disagree with their explanations, the fact that Israel has attempted to legitimize its actions using the phraseology of international law in the eyes of various constituents who are paying attention is critical.

V. CONCLUSION

International law and its attendant structures are not ideal. But the world would be worse off if they weren't there. As mentioned above, international law is an integral part which binds the whole world together. Ending the paper on a famous saying by Nanjala Nyabola, "even if there is no universal compliance with international law, especially international humanitarian law, there is a universal aspiration towards compliance". International law must be molded and accentuated to become an instrument that holds the powerful accountable in international relations. International law should be marshaled each time men who are drunk with power wish to act as they please. The world needs more, not less, of fair international law to constrain expansionist, imperial, and illiberal propensities.
