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UNRAVELING THE TAPESTRY OF INTERNATIONAL LAW: TRACING ITS EVOLUTION AND GOVERNANCE IN RECENT TIMES

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Abstract

Over the past century, the governance of international affairs has evolved significantly with time. The various models and theories given by scholars and Western norms have shaped the world's international relations. The traditional model of Westphalian of absolute state sovereignty has provided a way to undergo a nuanced understanding of the role of international institutions in shaping world politics. This research paper examines the key milestones in the steady development of governance of nations in every aspect of living.

The paper begins by tracing the situations that arose after World War I and II. The continued importance of state sovereignty and the challenges faced to establish peace and security. The emergence of non-state actors and their role in achieving a neutral stand during war. The paper sheds light on how international governance examines the contemporary debates surrounding issues like legitimacy, climate change, social problems, health hazards, and other global concerns.

Ultimately, the paper analyses the continuity and relevance of international laws, relations, institutions, and affairs in developing world politics. The paper delves into the complexities involved in policymaking, and decision-making to better navigate the intricate web of international norms and standards to strike a balance in this interconnected world.

Keywords: International laws, governance, United Nations, international institutions, international relations, UN Charter, Economies, International human rights, global governance, International legal frameworks, International dispute resolution.

Introduction

The modern era of international laws and governance has its roots in the aftermath of World War II and the establishment of the United Nations in 1945. Before this establishment, international relations were largely governed by bilateral ties, trade or cultural relations customary practices, and informal setting of states. However, after the devastating effects of the two World Wars, the increased interdependence of the new nation-states and existing ones led to calls for a more formalized system of international cooperation. The UN Charter¹ laid the foundation of international rules and regulations to be followed to establish cooperation, peace, and security among its member nations. Over the subsequent decades, this system has grown stronger and successful in achieving its objectives behind its establishment in 1945. The establishment of international organizations governing trade, laws, customary norms, and standards has led to stabilized international relations.

Particular attention will be paid to the role of the United Nations and other specialized organizations in administering international laws and the growing participation of non-state actors in international decision-making processes. This paper also delves into ongoing tensions and demands of a dynamic interconnected world and the enforcement of international rules and agreements.

Furthermore, the research delves into the areas of international laws, technological advancements, new perspectives, and challenges faced by the countries that are part of this system. By providing a comprehensive overview of international laws and governance, we will be able to understand the future trajectories and potential reforms to international laws as the world grapples with the pressing issues of the 21st Century.

RESEARCH OBJECTIVES:

1. To analyze the historical development of international law.
2. To examine the sources and mechanisms of international law.
3. To elucidate the international law and its implications in administering relations between nations. Analyzing the situations that arose in the past and how international governance has solved these problems.

¹ *Charter of the United Nations*, June 26, 1945, 1 U.N.T.S. XVI, entered into force October 24, 1945.

RESEARCH QUESTIONS:

1. What are the key milestones in the development of international law?
2. What are the objectives of international organizations and institutions in addressing different global problems, such as those related to social, economic, political, and climate change and health issues?
3. In what situations in the past has international law been used to help resolve conflicts and address problems in different countries?
4. What are the challenges faced by international bodies in the decision-making process?
5. How effective is international law in formulating treaties and conventions that govern relations among states?

RESEARCH HYPOTHESIS:

The hypothesis aligns with the following key points:

1. International law operates based on the consent and will of the participating nations, as they are interdependent. The absence of any explicit governing body to enforce international agreements.
2. The primary sources of international law are customary practices, treaties, conventions, Memorandum of Understanding, general principles of law and freedom, judicial precedents, and past situations that shape the governing laws and the principles behind them.
3. The goal of international relations is to promote peace and security among its nations to achieve growth for all the participating nations. The enforcement is not direct rather it imposes economic sanctions on the nation that performs such intolerable activity.
4. The effectiveness of international law and its impact on external as well as internal matters of the state is crucial. The research argues its relevance and dynamic patterns of world politics where the threat of war and conflicts among nations is quite evident. The hypothesis provides such examples to evaluate international relations and their nature and how crucial international laws and their enforcement are.

RESEARCH METHODOLOGY

This research paper uses a multi-faceted methodological approach to comprehensively analyze the development of international law and its governance at the global level. This is a library-based research in which we will talk about the formulation of laws, the reasons behind them, the approach, and the aim of such laws.

The paper focuses on historical analysis of primary sources of law such as the UN Charter, international treaties, diplomatic relations, and records. To provide credibility, the paper analyses academic books, journals, policy papers, and articles. The examination of comparative case studies on international laws and their applicability in different conflicts, crises, and challenges at different periods.

The study of the establishment of international organizations and their agenda and goals to achieve in the coming years. The structure of the bodies that govern them, the election of members in the international bodies. The theoretical frameworks such as realism, liberalism, and democratizes are given by scholars and theorists. Considering the theoretical frameworks and qualitative analyses in establishing networks among nations and their ties and the role of non-state actors in international governance.

The combination of these research approaches will enable a multidimensional exploration of international law and its evolving landscape. Through doctrinal research, this paper seeks to provide a comprehensive and coherent understanding of the legal framework governing the subject matter at hand. The paper will provide a nuanced understanding of the subject covering all its aspects from historical developments to future perspectives.

LITERATURE REVIEW

The history of international law is a riveting narrative that unfolds across centuries, encapsulating the dynamic interplay of power, diplomacy, and ethical considerations in global relations. From its nascent origins to the sophisticated system that governs our interconnected world today, the history of international law is marked by key developments that have shaped the conduct of states and individuals on the global stage.

According to Manuela Splinder, “Systematic and methodical reflections about international relations and therefore “theory” and “methods” are core criteria to be applied when discussing the “birth” of an academic discipline. However, tracing the formation of the discipline of international Relations” back in history is not an easy undertaking, as a great deal of controversy exists over the actual “birthday” of International Relations as an academic discipline. This controversy has much to do with the status of “theory” within the discipline. Does an academic discipline start once there is historical evidence of theoretical reflections on the core subject?

Do we need additional criteria to think of a new discipline, such as the existence of departments or some “infrastructure” where theoretical reflection, research, and academic teaching take place?”²

Jose Alvarez has emphasized the “constitutionalization” of international law that it has evolved through the development of binding rules and regulations.³ Anne Peters argued that international law is the “publicization” of laws where laws are oriented on public interests and goods for their welfare.⁴

Historical milestones in the development of international law

The historical aspects of the late 19th Century, date back to when several civilizations were under construction. The French, the Germans as well as many European countries. The world was evolving regarding agreements, conferences, and world problems being discussed. But first, let's understand the step-by-step evolution of this concept through past situations.

Early Foundations: The Peace Westphalia System & the Emergence of State Sovereignty

Definition	A principle in international law is that each state has its sovereignty over its territory.
Origin	Developed in Europe after the Peace of Westphalia in 1648.
Key principle	Every state regardless of size has the equal right to sovereignty.

The Peace of Westphalia signed in 1648, marked a significant turning point in the evolution of international law and the concept of state sovereignty. The treaties, which ended the Thirty Years' War and the Eighty Years' War, established several key principles that continue to shape global politics and diplomacy today. The Peace of Westphalia established the precedent of peace reached by the diplomatic Congress and a new system of political order in Europe based on the concept of co-existing sovereign states.⁵ It consisted of two treaties signed in two cities namely the Westphalian cities of Osnabruck and Munster. Let's delve deeper into the start of

² Manuela Splinder, *International Relations: A Self Guide to Theory* 14 (2023)

³ Jose E. Alvarez, *International Organizations as Law-makers* 3-4 (2005).

⁴ Anne Peters, *The Refinement of International Law: From fragmentation to Regime Interaction*, 6 *Int'l Org. L. Rev.* 421, 425-27 (2009)

⁵ Steven Patton, *The Peace of Westphalia and its Affects on International Relations, Diplomacy and Foreign Policy*, 10 *The histories* 91, (2019)

international conflicts that lead to the establishment of laws and the need for such a system.

WORLD WAR I (1914-1918)

World War was the first war that occurred to a great extent and is also known as the Great War. It was a massive conflict between many countries, including Europe. The main cause of this war was alliances formed between European Countries which means those countries that were on the same side during the war. There were two major groups - Allies (mainly Germany, Ottoman Empire, and Austria-Hungary) and Central Powers (including countries like the United Kingdom, Russia, and France). The destructive war escalated after the assassination of Archduke Franz Ferdinand of Austria-Hungary in June 1914 by a Serbian nationalist. This event got a chain reaction from countries leading to a war situation. Much of the war was fought in trenches because most of the soldiers fought in terrible conditions. The high number of casualties in this war was a major setback for some countries. The war saw the invention of new war weapons, ammunition, guns, machine guns, tanks, poisonous gases, and airplanes. It affected colonies in Asia and Africa, and the US also joined the war in favor of the Allies in 1917. The war saw heavy loss and destruction as millions of people died fighting for war and it was estimated that around 16 million people died. The Allies lost the ground and were exhausted due to continuous war. The empires collapsed in many nations and saw the creation of new nation-states. This war set up the road for new conflicts like the Second War.

Role of Major Treaties and Conventions (Sources of International Law)

The Hague Convention of 1899 and 1907: They were the series of treaties and declarations which established the laws and customs of war. It was signed in the strictest sense to ensure the enforcement of laws for peace measures. They played a pivotal role, particularly in the concept of warfare and the conduct of nations during conflicts. The **Hague Convention of 1899** was the first international agreement to establish rules for the conduct of war, focusing on humanitarian principles and the protection of armed conflict. This convention laid the groundwork for future international humanitarian law by defining the laws and customs of war, which belligerents must follow during hostilities.⁶ The **Hague Convention of 1907** built upon the earlier convention, expanding the scope of regulations concerning the conduct of hostilities and the rights and duties of the neutral powers. It emphasized the importance of arbitration and

⁶ *The Hague Convention of 1899 and 1907*, Guide to Humanitarian Law, <https://guide-humanitarian-law.org/content/article/3/the-hague-conventions-of-1899-and-1907/> (Last visited on Aug.21, 2024)

peaceful dispute resolution, promoting diplomacy as a means to prevent conflicts.⁷ The establishment of the **Permanent Court of Arbitration** during the 1899 conference marked a significant advancement in international governance, providing a mechanism for the states to resolve their disputes peacefully rather than through armed conflict. The principles enshrined in the Hague Conventions have influenced subsequent international agreements and treaties, reinforcing the notion that states are bound by legal norms in their conduct during war, which has become a cornerstone of modern international law.⁸

1. The Versailles Treaty (1919): This treaty was a peace agreement signed between two great powers in 1919. The Treaty of Versailles was a peace document signed between Imperial Germany and the Allied Powers on 28th June 1919. The treaty ended the state of war that had existed between Germany and the Allies from 1914 and brought World War I to an end. The treaty got its name from the Palace of Versailles where it was signed.⁹ The key points are:

Historical context: The treaty was negotiated between the two powers against the significant destruction caused after World War I. The Allies sought to impose terms that would hold Germany accountable for the devastation caused after the war. The decision was discussed in November 1918.

Key Provisions: The treaty included several critical stipulations:

2. Nuremberg Trials (1945-1946): In the wake of World War II, the Nuremberg Trials represented a watershed moment in the history of international law. For the first time, political and military leaders were held accountable for crimes against humanity, establishing the principle that individuals could be prosecuted for international crimes. This laid the groundwork for subsequent international criminal tribunals.¹⁰

The treaties and conventions play a pivotal role in the establishment of statutes, laws, and regulations that are formed to achieve a purpose and aim to establish peace and security between nations to form friendly relations among states.

3. Genocide Convention (1948 and 1949): After World War II, the world saw the codification of laws that specifically addressed the atrocities of war and conflicts. Both

⁷ Hague Convention, Britannica, <https://www.britannica.com/event/Hague-Conventions> (Last Visited Aug. 21, 2024)

⁸ *Hague Conventions*, National WWI Museum and Memorial, <https://www.theworldwar.org/learn/about-wwi/hague-conventions>, (last visited Aug. 21, 2024)

⁹ Treaty of Versailles, Wikipedia, https://en.wikipedia.org/wiki/Treaty_of_Versailles, (last visited on Aug. 21, 2024)

¹⁰ *A Journey through the history of international law*, Kwikattorneys, <https://www.kwikattorneys.com/evolution-and-milestones-a-journey-through-the-history-of-international-law/>, (last visited Aug. 21, 2024)

conventions addressed the problems and established legal frameworks for the protection of civilians, preventing genocide and atrocities against humanity.

4. Cold War and Diplomatic Initiatives: The later period saw that there were different ideologies in a conflict which saw different perspectives and initiatives made to prevent the usage of nuclear weapons, the proliferation of nuclear weapons treaty was also presented and several other efforts were made by the international community to overcome these challenges.

5. International Criminal Court (1998): The international body which is the first and permanent international court with jurisdiction to prosecute individuals for the international crimes of genocide, crimes against humanity, war crimes, and crimes of aggression. It is different from ICJ, which hears disputes between states.¹¹

EVOLUTION OF INTERNATIONAL LAW POST-WORLD WAR II AND THE ESTABLISHMENT OF UNITED NATIONS

The end of World War II marked a significant turning point in the development of international law.¹² The establishment of the United Nations (UN) in 1945 was a watershed moment, as it sought to create a new system of global governance and collective security.¹³ The UN Charter which entered into force in October 1945, laid the foundation for a more institutionalized and multilateral approach to international relations.¹⁴

One of the key principles enshrined in the UN Charter was the sovereign equality of states.¹⁵ This presented a shift away from the pre-war system, which had been dominated by great power politics and the pursuit of national interests.¹⁶ The UN Charter also recognized the importance of Human Rights, calling for the promotion of “universal respect for, and observance of, human rights and fundamental freedoms for all.”¹⁷

In the decades following the establishment of the UN, international law expanded significantly, with the proliferation of multilateral treaties, the development of international organizations, and the growth of international dispute settlement mechanisms.¹⁸ This period saw the

¹¹ Wikipedia, International Criminal Court, https://en.m.wikipedia.org/wiki/International_Criminal_Court , (last visited Aug. 22, 2024)

¹² Martti Koskenniemi, *The Politics of International Law* 1-2 (2011).

¹³ Charter of the United Nations, June 26, 1945, 59 Stat. 1031, T.S. 993, 3 Bevans 1153.

¹⁴ Id. Art. 1.

¹⁵ Id. art. 2, para 1.

¹⁶ Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* 3-4 (1999).

¹⁷ Charter of the United Nations, supra note 2, art. 55(c).

¹⁸ Jose E. Alvarez, *International Organizations as Law-makers* 3-4 (2005).

decolonization of much of the world, leading to the admission of many new states into the international system and the diversification of voices within international law.¹⁹

Moreover, the post-World War II era witnessed the emergence of new areas of international law, such as international environmental law, international criminal law, and international trade law.²⁰ These developments reflected the increasingly complex and interdependent nature of the global community and the need for more comprehensive legal frameworks to address transnational issues.²¹

FORMATION OF UNITED NATIONS (former League Of Nations)

It came into existence on October 24, 1945, headquartered in San Francisco, California, US. It was made after 29 nations ratified the charter. The United Nations was established after World War II in an attempt to maintain international peace and security and to achieve cooperation among nations on economic, social, and humanitarian problems. Its forerunner was the League of Nations, an organization conceived under similar circumstances following World War I. Established in 1919 under the Treaty of Versailles "to promote international cooperation and to achieve peace and security," the League of Nations ceased its activities after it failed to prevent global war.²²

The non-active League of Nations was then renamed as United Nations. It was formed as an intergovernmental organization to establish peace and security. It had main bodies which were the General Assembly which consisted of all member nations and the Security Council.

Currently, 193 member nations are part of the United Nations. There are five permanent members of the United Nations – France, China, Russia, the United Kingdom, and the United States. The permanent members are given special veto powers in all issues presented before the council. The Security Council acts as the principal organ whose decisions are binding on all member nations.²³

¹⁹ Philippe Sands & Jacqueline Peel, *Principles of International Environmental Law* 1-2 (4th ed. 2018).

²⁰ Philippe Sands & Jacqueline Peel, *Principles of International Environmental Law* 1-2 (4th ed. 2018).

²¹ Anne Peters, *The Refinement of International Law: From Fragmentation to Regime Interaction*. 6 Int'l Org. L. Rev. 421, 425-27 (2009).

²² Welcome to the United Nations, *History of the United Nations*, <https://www.un.org/en/about-us/history-of-the-un>, (last visited Aug. 22, 2024).

²³ National Archives(.gov), "United Nations 1945 | National Archives", <https://www.archives.gov/milestone-documents/united-nations-charter>, (last visited Aug. 22, 2024)

Sources of International Law

Treaties: Binding agreement between countries or states, mutually agreed upon.

“An international agreement conducted between states in written form and governed by international law, whether embodied in a single instrument or two or more related instruments and whatever designation.” – Article 2(1)(a).²⁴ Types of treaties – bilateral and multilateral.

Bilateral treaties – the treaty signed between two states. For example – India and the UK signed an instrumental goods agreement in a bilateral meeting.

Multilateral treaties – When 3 or more states are involved in a treaty agreement through legal instruments, it is called a multilateral treaty, like UNCLOS, 1982.

Customary International Law: Practices accepted as legal obligations.

“The set of rules and its conduct by the state to act in such a way as they are required to.”²⁵

The practices that are consistently followed in a manner that they are accepted as a law. The essential elements are – state practice and opinio juris. The state practice is the state’s conduct of practicing law. Opinio Juris is a psychological element. The states concerned must therefore feel that they are conforming to what amounts to a legal obligation.

General Principles of Law: included in the list in Article 38 of ICJ Statute.

The principles of law such as good faith, res judicata, and impartiality of judges during the delivery of the judgment. These principles are recognized by civilized nations. Rule of law – measures to ensure adherence to the principles of supremacy of the law, equality before the law, legal representation and transparency, fairness in the application of the law, unbiased opinions, and avoidance of arbitrariness.

Judicial decisions & Scholarly Writings: they serve as evidence of international law.

When deciding disputes between States, in addition to the three principal sources of international law, the International Court of Justice (‘ICJ’) is to draw upon “the teachings of the most highly- qualified publicists of the various nations”. However, the Statute is silent on the meaning of “most highly qualified”, and the travaux préparatoires offer little guidance on this point. Unlike the other three sources of law, the Court may use the teaching of publicists only “as subsidiary means for the determination of rules of law”. The drafters of the Statute

²⁴ Vienna Convention on the Law of Treaties art. 2(1)(a), May 23, 1969, 1155 U.N.T.S. 331.

²⁵ Duke Law School, *Customary International Law*, https://law.duke.edu/ilrt/cust_law_2.htm, (last visited Aug. 23, 2024).

disagreed as to the proper role for these teachings, referred to as ‘doctrine’, and the meaning of “subsidiary” in this context is unclear.²⁶ The Court has only rarely invoked doctrine in its Judgments, advisory opinions, and Orders. This has not stopped counsel from routinely calling the teachings of publicists to the Court’s attention in written and oral arguments, and individual judges freely cite la doctrine in their individual opinions. This latter practice led Sir Humphrey Waldock, later a Judge of the ICJ, to observe, “how individual judges quite often make use of them in their separate opinions indicates that they have played a part in the internal deliberations of the Court and in shaping opinion.”²⁷ In Section 2, the paper analyses the language of the Statute and its negotiating history for guidance as to the meaning of both concepts. In Section 3, I describe some of the ‘conventional wisdom’ derived from prior scholarly analysis of the Court’s use of highly qualified publicists. In Section 4, I set out the methodology of my survey of the Court’s writings, including a discussion of how I determined when the Court is “applying the teachings of the most highly qualified publicists”. In Section 5, I summarize the findings of my survey. I conclude by setting out plans for further study.²⁸

Mechanism of Governance in International Law

The role of international organizations

United Nations Organisation (UNO) – is headquartered in New York, US and its Secretary-General is Antonio Guterres. It was established to achieve international cooperation and act as the center for harmonizing relations between nations.

World Health Organization (WHO) – is headquartered in Geneva, Switzerland. It was founded on 7 April 1948. It is an agency of the UN responsible for international public health and cooperation.

World Economic Forum (WEF) – It aids its member countries by providing economic support to the nations in need. It helps in financial crisis whenever it occurs in any country.

International Monetary Fund (IMF) – It works for economic stability and cooperation

²⁶ H. Waldock, Second Part: General Course on Public International Law, 106 Recueil des Cours de l'Académie de Droit International de La Haye 1, 96 (1962).

²⁷ Alain Pellet, Article 38, in *The Statute of the International Court of Justice: A Commentary* 791-92 (Andreas Zimmermann et al. eds., Oxford Univ. Press, 2006).

²⁸ Georg Schwarzenberger, *International Law as Applied by International Courts and Tribunals* vol. 1, 36 (Stevens & Sons Ltd., 1957).

according to procedures led by international laws. It facilitates international trade and growth among nations. It provided millions and billions of aid to countries suffering from financial crises.

World Bank (WB) – It provided support in terms of monetary funds as well as economic strategic means. It delegates authorities to its experts in formulating policies for developing nations to ease their economic burden. It works for poverty reduction and finding sustainable solutions for developing nations.

Organizations dedicated to international public welfare and the maintenance of peace and security engage in a variety of activities, including dialogues, conferences, and events that address global issues across multiple domains. There are so many international organizations – UNICEF (United Nations International Children’s Emergency Fund), UNDP (United Nations Development Programme), World Trade Organization (WTO), South-Asian Association for Regional Cooperation (SAARC), Organization for Economic Cooperation and Development (OECD), Asian Infrastructure Development Bank (AIIB), New Development Bank (BRICS Development Bank), Asian Development Bank (ADB), African Development Bank (AfDB), World Wide Fund for Nature (WWF), United Nations Industrial Development Organization (UNIDO), UNCTAD, IMO, NATO, OPEC, etc.

CASE STUDIES

1. Iran – Iraq War (1980-1988)

Duration – 22 September 1980 – 20 August 1988 (7 years, 10 Months, 4 weeks and 1 day)

Location – Iran and Iraq

Initiation – The war began with the Iraqi invasion of the Iranian land.²⁹

The UN Security Council passed several resolutions condemning the violations of international humanitarian law and calling for the cessation of military operations against civilian targets. Resolution 540 (1983) deplored the conflict, resulting in heavy losses of human lives and destruction due to heavy damage, and affirmed the desirability of objective examination of the causes of war.³⁰ Efforts were made to mediate the conflict, including sending messages to

²⁹ International Committee of the Red Cross, *Iran/Iraq*, <http://casebook.icrc.org/case-study/iraniraq-un-security-council-assessing-violations-international-humanitarian-law>, (last visited Aug. 23, 2024).

³⁰ Casebook.icrcr, <http://casebook.icrc.org/case-study/iraniraq-un-security-council-assessing-violations-international-humanitarian-law>, (last visited on Aug.23, 2024).

the presidents of Iran and Iraq in 1984 expressing concern for the continuation of war and urging the governments to seek a peaceful settlement. The conflict demonstrates the limitations and challenges posed during the war and to what extent international law can be enforced and prevent such harm through its norms and standards.³¹

2. *Afghanistan (under Taliban Rule)*

The United Nations condemned the Taliban Government's actions and so far no country has formally recognized the Taliban as a government. Resolution 2593 (2021) adopted after the Taliban's takeover, stated that Afghanistan territory is not to be used to train or shelter terrorists or to threaten any country. The cessation of providing any economic aid freezes the international assets of Afghanistan and suspends all international aid. The investigation was done into the human rights abuses that occurred there and the UN Assistance Mission in Afghanistan documented numerous human rights violations and killings of government officials, and civilians, and atrocities against women and girls.³²

The situation worsened when COVID-19 exacerbated the economic collapse and made it difficult. The lack of unified response and limitations to interfere in the Taliban rule. Ongoing efforts were made to investigate the human rights violations and condemned them in several UN General Assembly meetings. The ultimate resolution would solely depend on the Taliban's willingness to comply with international norms and standards for the welfare of the people of Afghanistan and their rights.

3. *Kulbhushan Jadhav Case (India V. Pakistan)*

In July 2019, the ICJ ruled in favour of India by a majority of 15:1.

The International Court of Justice held that Pakistan had violated the Vienna Convention on Diplomatic Relations. Pakistan was directed to provide consular access to Kulbushan Jadhav. Pakistan was held guilty of not accepting the provisions of optional protocol, in 1969 as well.³³

The International Court of Justice rejected the contention of Pakistan that India did not lend any help in criminal investigations against Kulbushan Jadhav and also that India denied Jadhav

³¹ Wikipedia, *Iran – Iraq War*, https://en.wikipedia.org/wiki/Iran%E2%80%93Iraq_War, (last visited Aug. 23, 2024).

³² Amnesty International, *Human Rights in Afghanistan*, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/afghanistan/report-afghanistan/>, (last visited on Aug. 23, 2024).

³³ BYJU's, *Kulbhushan Jadhav Case*, <https://byjus.com/free-ias-prep/kulbhushan-jadhav-case-who-is-kulbhushan-jadhav-icj-case-ir-upsc-notes/>, (last visited on Aug. 23, 2024).

as their citizen and therefore, the right to consular access is out of question. ICJ held that there was enough material on record to prove that Pakistan was aware of Jadhav's nationality and time and again they have used the term 'Indian Spy.'³⁴ The judgment of the International Court of Justice is a landmark and great diplomatic victory for India and has significance in international law. Pakistan's Parliament in its joint sitting enacted a law, the International Court of Justice (Review and Reconsideration) Act, 2021 to give death row prisoner Kulbhushan Jadhav the right to file a review appeal against his conviction by the military court.³⁵

CONCLUSION

Summary of Findings

The case studies examined in this analysis demonstrate the governance of international law in its stricter sense. The review provided has explained significantly the assessment of the sources, importance, and how the laws have evolved with time. International law has served the public interests and provided law and justice and ongoing efforts are going to focus more on global issues and problems. The findings stated above are all credible and accurate and provide an assessment of how international law governs developed, developing, and poor nations. The political, social, economic, and humanitarian interests are the sole foundations of international law. The findings of this review suggest that there is a need for continued research and dialogue on the role of international law in addressing global challenges, particularly from the perspective of developing countries like India. Future research should focus on exploring innovative approaches to strengthening the governance of international law and ensuring its effective implementation at the national and international levels.

Implications for Future Legal Research and International Legal Practice

The research for the future assessments of global governance is the issues that prevail and the resolutions found on these issues. The findings suggest significant implications for future research and practice in international law. As global challenges such as climate change, terrorism, and human rights abuses continue to evolve, there is a pressing need for adaptive legal frameworks that can address these issues effectively. Future research should focus on the interplay between international law and domestic legal systems, particularly in developing

³⁴ Cour Internationale de Justice, "Summary of Judgement of 17 July 2019", <https://www.icj-cij.org/node/105827>, (last visited on Aug.23, 2024).

³⁵ Wikipedia, Kulbhushan Jadhav, https://en.wikipedia.org/wiki/Kulbhushan_Jadhav, (last visited on Aug. 23, 2024).

countries, to understand how international norms can be integrated into national legislation.³⁶

Recommendations for strengthening the governance of International Law

Enhance Multilateral Cooperation: Strengthening multilateral institutions and fostering cooperation among states is essential for addressing global challenges. This includes reinforcing the role of the United Nations and regional organizations in conflict resolution and humanitarian assistance.³⁷ Invest in education and awareness and understanding of international law among policymakers, and public practitioners and public is vital. Enhancing the jurisdiction of legal frameworks. By implementing these recommendations, following the expertise of scholars and policymakers and collectively working for effective laws for governance framework to uphold international principles and address the challenges in the future.³⁸

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³⁶ R. R. Chandrasekhar, *International Law and Domestic Courts: A Comparative Study of India and the United States*, 45 *Indian J. Int'l L.* 123 (2005).

³⁷ S. P. Singh, *The Role of the United Nations in Global Governance*, 34 *Indian J. Int'l L.* 456 (1994).

³⁸ N. R. Gupta, *Legal Education and the Promotion of International Law*, 39 *Indian J. Int'l L.* 345 (1997).

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