

Q. 2 Make a précis of the following passage and suggest a suitable title. (15+5=20)

Just as the most important norms governing the behaviour of individuals are embodied in domestic, or as the lawyers call it 'municipal' law, so some norms governing the behaviour of states are embodied in international law. Even so, the identity of name does not indicate an identity of nature. International law operates in quite a different social context, without the foundations of an overwhelming social consensus and of a central authority which endows its rules with sanction. States differ from individuals in that they are not subject to law; international law is not a law above states but one between them. This is a situation so anomalous for a legal system that some professional lawyers altogether deny the legal character of international law, claiming that it lacks the distinctive charact-

ming that it lacks the distinctive characteristic of effective sanctions. Sovereign states and an international legal system of the same type as domestic legal systems are logically incompatible. Either the states are truly sovereign and recognize no superior, in which case there can be no legal rules binding them; or, if such rules exist, then states are not truly sovereign. The contradiction is resolved by the theory of consent which claims that the binding character of international legal norms is founded upon their acceptance by states, explicit or implied. Thus being bound by international law becomes a form of exercising sovereignty. In the classical definition of sovereignty in the Wimbledon case, the World Court emphatically declined '...to see in the conclusion of any Treaty by which a State undertakes to perform or refrain from performing a particular act an abandonment of sovereignty'. Since international law is based upon

such an uneasy compromise, it is not surprising that the evaluation of its significance ranges so widely. Some regard it a sham, while others claim that, if only given a chance by politicians, lawyers would draft a comprehensive code which would ensure peace upon earth. Neither view does full justice to the true nature of international law which tries to reconcile sovereign states and international order and is the expression both of state-sovereignty and of its limitations.

Preds:

"Weakness of International Law"

Rules that determine the behaviour of individuals in society are called municipal law. Rules about behaviour of states are called international law. The system of international law is different, here authoritatatives impose sanctions on states as a punishment. Some lawyers deny the rules of international law by claiming its sanctions are ineffective. States are considered ~~sovereign~~ independent, on the other hand sanctions can be imposed on them. There is something wrong in sanctions or independence of state.

Foundations of International law are based on unjust compromises. Some people says if lawyer get a chance they will construct a just and peaceful international law. ^{present} International law consists of limitations as well as ~~to~~ state sovereignty.