

Q1 Is International law a law or positive morality?
Give reasons while supporting your answer.

(b) In what respect does international law differ from domestic law?
Are there any similarities between two?

A) Introduction

International law is a law because it governs the practical of states. The binding nature of international law makes it different from the concept of positive morality. Furthermore, international law is also enforced through proper mechanism, that's why it is correct to say that international law is a proper law.

How International law is a Law

There are many things that justify

that international law is a law some of them are given below:

① Binding Nature of International law

International law has binding nature, even a ~~to~~ states which are not signatory to UN charter still come under the jurisdiction of UN charter which is considered as world's international law. Article 2(6) of charter states even those states which are not signatory are obliged to UN charter.

② Executive Body of International law

The security council of UN that is consist of five permanent member and ten non-permanent member is considered as executive body of international law.

The resolution of SC is binding and its violations lead to sanctions, blockade

and intervention as mention in chapter VII of UN Charter.

III Judicial Organ of International Law

International Court of Justice is considered as judicial organ of international law. That using article 65 of its statute give advisory opinions in the interpretation of treaties and international law.

IV Regulation in Practices of States

The international law regulates the practices of states. For instance, states can not exercise its sovereignty in the high sea. United Nation Convention on Territorial Water and Contiguous Zone limits states territorial jurisdiction on high sea.

Conclusion

The international law is not positive mortality but an actual law, that is governed by sovereign authority called Security Council and regulates the conduct of states.

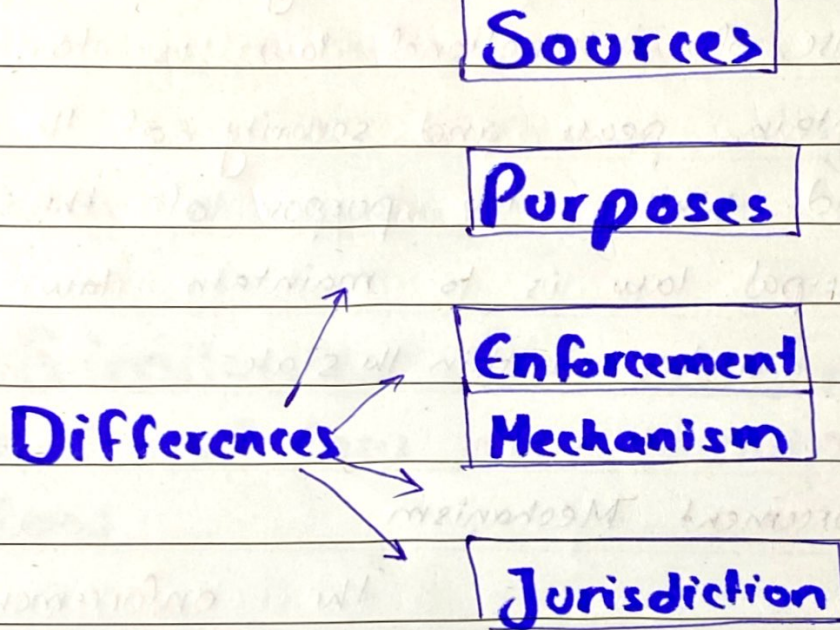
Part B

Introduction

International law differs from municipal law because of many factors such as sources, jurisdiction, purpose and implementation mechanism etc. However, there are some similarities such as human right, responsibility of citizens etc in international and municipal law.

Differentiation Between International law and Municipal law

There are many differences between municipal law and international law such as



① Sources of laws

The sources of international law come from treaties, customs, generalized principle of laws, decision of judicial institution etc. However, the sources of municipal law are culture, religion, people of states, judicial decisions of courts etc.

ii) Purposes of Both laws

The purposes of both laws are changed. The purpose of international law is to maintain peace and security of the world. While, the purpose of the municipal law is to maintain law and order within the state.

iii) Enforcement Mechanism

The enforcement mechanism is also changed in both laws. For instance, international law is enforced through Security Council. However, the municipal law is enforced through law enforcement agencies, such as police, ranger army etc.

iv) Jurisdiction of Both laws

The jurisdiction of both laws are changed. The

jurisdiction of international law is applied on international organization, states, individuals etc. However, the jurisdiction of states is applied on individuals and intra state governments and some organizations.

Similarities Between International law and Municipal Law

① Advocate for Human Right.

Both laws are advocated for human right. For instance, United Nation Declaration on Human Right 1948, provides some rights to individuals. While, municipal law also provides some rights such right to clean air, right to fair trial etc

② Responsibility of States

Both laws guide states regarding its responsibility. The international law assigns, some responsibility, such as, elimination of all kind of discrimination against women, to state. While municipal law allows state to make peaceful environment for citizens.

Conclusion

In a nutshell, both laws have some commonalities as well as some differences. The sources, jurisdiction etc are different. However, human right and conferring state's responsibility, are same.