

IS INTERNATIONAL LAW TRULY LAW

OUTLINE

1. INTRODUCTION

1.1. Hook Statement

1.2. General Statement

1.3. Thesis Statement: International law cannot be considered true law because it lacks consistent enforcement and depends entirely on voluntary compliance of states.

2. Understanding International Law.

3. Why International Law is not Really Law?

3.1. Absence of Central Sovereign Authority
Law requires a supreme authority to command and enforce obedience but International law operates without sovereign authority.

Case Studies:

- UN's inability to stop Israeli military operations in Gaza despite ICJ proceedings.

- Sudan civil war (2023 - present), no international authority able to stop fighting between SAF and RSF.

- Failure to prevent Syrian civil war violations despite UN resolutions.

3.2. Dependence on Voluntary State Consent
States are bound only if they willingly accept obligations, which undermines legal compulsion.

Case Studies:-

- India's unilateral suspension of Indus Water Treaty (2025).
- US refusal to ratify the Rome Statute of the ICC.

3.3. Lack of Coercive Enforcement Mechanism
International law lacks police power or compulsory sanctions, making violations largely cost-free.

Case Studies

- ICJ provisional measures on Gaza not enforced on ground.
- Sudan war crimes continue despite of International humanitarian law.

3.4. Ineffectiveness of International Courts
International courts can issue judgement but lacks enforcement authority.

Case Studies

- ICC arrest warrant against Netanyahu not executed.

- China's rejection of South China Sea Arbitration ruling (2016) -

3.5. Treaty Obligations Easily Breached or Withdrawn from
States can violate, suspend or withdraw from treaties without immediate legal consequences.

Case Studies

- US withdrawal from Paris agreement (2017)
- US withdrawal from Iran Nuclear Deal (2018)

3.6. Politicisation of UN Security Council
The veto system subordinates law to geopolitics, eroding legal neutrality.

Case Studies

- US vetoes blocking Gaza ceasefire resolution
- Russia's veto shielding itself over Ukraine

3.7. International Law as Moral Persuasion Rather Than Binding Law.

International law reduced its role to moral pressure rather than enforceable obligation.

Case Studies

- Myanmar (Rohingya crisis), despite ICJ provisional measures, persecution and displacement continued without effective enforcement.

3.8- National Interest Supersedes Normative Compliance

States often prioritise national interest over legal obligations undermining the authority of law.

Case Studies

- Brazil continuing Amazon deforestation despite international Agreements (Paris Agreement).

3.9- Equality of Sovereigns Prevents Binding Hierarchy

International law treats all states as equal preventing any global authority enforcing rules.

Case Study

North Korea's violation of Non-Proliferation Treaty (NPT) and still continues nuclear development

4- WAY FORWARDS

- By Strengthening enforcement mechanisms
- Reform UN Security Council Veto powers
- Establish a global police force
- Establish binding arbitration for sovereign disputes.
- Strengthen the monitoring mechanism.

5- CONCLUSION

Thesis restated