

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 Syria's 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 (2028).
- 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 Arbitrator ruling (2010) -

3.5 - Treaty Obligations Easly Breached or Withdrawn from

States can violate, suspend or withdraw from treaties without immediate legal consequences.

Case Studies

- US withdraw from Paris agreement (2017)
- US withdraw 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 prioritize national interest over legal obligation 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 arbitrator for sovereign disputes.
- Strengthen the monitoring mechanism.

5. CONCLUSION

Thesis restated