

Discuss the historical origin of I. Law. What should be the focus of any account as to how and why I. Law originated and to what extent it is relevant in modern times?

Day: \_\_\_\_\_

Date: \_\_\_\_\_

Q NO: 01

ANSWER

## I. INTRODUCTION.

International law has covered many miles of history. It is scholarly view that it started from ancient times and continues till today. International law started with traditions, alliances and shaped by religion and institutions. Its main focus is to prevent war and ensure peaceful co-existence and harmony in the world. Today, in modern times, it is highly relevant as the world requires uniform set of rules to govern the conduct of states.

II

# HISTORICAL CONTEXT OF INTERNATIONAL LAW.

= International law is  
as old as human  
history.

Batol Ahmer Sufi

The evolution of International law can be traced back to ancient times. It can be divided into five time-frames.

1. Ancient Times

2. Medieval Times

3. Renaissance Period

4. Pre-modern times

5. Modern Times

## a)). Ancient Times: Birth of Laws.

Ancient civilizations followed some international laws in their dealings. For examples Treaty of Kadesh between Mesopotamian and Roman civilizations.

## b)). Medieval Time Period: emergence of new laws and treaties.

Medieval time period of international law was heavily influenced by Religions. For example, Islamic laws of War and Humanity, Canon laws of Christianity bear the witness of international laws and regulations.

Day: \_\_\_\_\_

### c)) Renaissance Time Period formal documentation of international rules.

Renaissance is period of 8-17th century. In this period international laws got much prominence. Hugo Grotius was this philosopher of this period who wrote book: **On the law of war and Peace.**

### d)) Pre-modern period of international law:

(1648) Before treaty of Westphalia (~~1848~~), there were no states systems. Yet, they followed certain norms and traditions on the basis of "Opinio Juris".

### e)) Modern Times:

After rise of modern nation

states system, international law got much importance.

The many treaties and organizations came into being such as UN, WTO, World Bank, IMF etc. These treaties made nations to follow pre-set international standards and norms.

### III HOW INTERNATIONAL LAW EMERGED.

There are several theories about emergence of international law. The most prominent theory among all of them is that international law emerged from traditions, shaped by religion, promoted jurist and institutionalized by organizations.

Emergence by Norms  
and traditions

Laws of diplomatic immunity,  
laws of prisoners etc.

Shaped by Religion

Shariah laws, Canon laws etc.

Promoted by Historians  
and Jurists.

Hugo Grotius - Vitorre etc.

Institutionalized by  
organizations.

UN - WTO - ~~Treaty of~~  
Westphalia

# WHY INTERNATIONAL LAW

## INITIATED.

The sole purpose of international law is to ensure peaceful co-existence in the international community, protect oppressed and govern conduct of states especially. ———.

Prof: Oppenheim

There are many purposes of international law for which it was initiated. Some of them are given in bullet points as follows.

⇒ Ensuring peaceful co-existence in international community.

Day: \_\_\_\_\_

⇒ Protecting the oppressed one.

⇒ Promoting trade and diplomacy.

⇒ Maintaining harmony and prosperity in the world.

⇒ Resolving disputes through peaceful means.

⇒ Holding accountable to enemy of humanity.

The list of such functions is inexhaustive. These are a few to name.

# RELEVANCE OF INTERNATIONAL LAW IN MODERN TIMES.

Owing to complexities of modern times, international law is becoming more important day by day.

(J. E. Starke)

In modern times, international law is highly relevant owing to many reasons. It is necessary that there should be a body of rules which is recognized by the states to regulate their conduct for collective good.

a)) The increasing turbulence in the world makes International law more relevant.

The modern unresolved issues like Palestine issue, Ukraine - Russia war and IWT dispute between Pakistan makes international law more significant to resolve these issues.

b)) Violence of Human Rights in the world.

Human rights violation in Palestine, Afghanistan and Sudan inspires international law to provide assistance legally. The legal frameworks like UDHR provide opportunity to help oppressed people.

c) The escalating trade war make international law more relevant.

The trade war between China - USA, USA - India provides examples that why international law is relevant today. World Trade Organization is liable to look after reasonable trade among states without compromising on human rights violation.

## II CONCLUSION

It is clear from the above discussion the origin of international law - Ancient times to today, now and why international law emerged. Moreover, the above discussion also shed light

Day: \_\_\_\_\_

Date: \_\_\_\_\_

on that \$ in modern  
times, international law  
is highly relevant to  
maintain peace and harmony