

PART - II

Question No. 3

PRINCIPLES OF NON-INTERVENTIONS AND INTERNATIONAL LAW AND SOVEREIGN EQUALITY OF STATES:

(I)

INTRODUCTION:

The principles of non-intervention is cornerstone of the international law, ensuring state sovereignty, territorial integrity and political independence. Enshrined in Article 2(4) and 2(7) of the UN Charter, it prohibits coercive interference in another state's affairs. However contemporary practices like cyber operation, economic coercion and covert support to armed group challenge traditional boundaries, requiring careful legal analysis and evaluation.

(II)

DEFINITION OF THE NON-INTERVENTION:

Non-intervention prohibits states from coercively interfering in the internal or external affairs of another state, whether political, economic, or social. Starke emphasized it as the:

"Principle preserving sovereign equality and legal independence."

(III)

ARTICLE 2(4) OF THE UN CHARTER "PROHIBITION OF FORCE"

Article 2(4) ~~prohibits~~ forbids the use of force or threat against territorial integrity or political independence. The ICJ in Nicaragua v/s United States (1986) clarified that supporting rebels or using force breaches this principle.

(IV)
ARTICLE 2(7) OF THE
UN CHARTER "NON
INTERVENTION IN DOMESTIC
JURISDICTION:"

The Article 2(7) bars UN or member state interference in matters essentially within domestic jurisdiction, except under Security Council authorization. It enshrines legal equality and sovereignty of the states in internal affairs.

(V)
CUSTOMARY INTERNATIONAL
LAW:-

Non-intervention is also a customary rule binding on all member states even outside of the UN framework. *Opinio juris* and consistent state practice confirms that coercive interference in internal affairs is unlawful.

(VI)
ECONOMIC COERCIONS
AND SANCTIONS:-

Unilateral economic coercions; trade embargo, blockades or financial restrictions; can violate sovereignty if applied outside of Security Council mandates. Scholars debate whether such measures constitute coercive intervention under international law.

(VII)
CYBER OPERATION AND
STATE SOVEREIGNTY:-

State sponsored cyber attacks on another states infrastructure or political ~~breach~~ system may breach territorial integrity and political independence raising question under Article 2(4). Legal framework for cyber operations remain developing and contested.

(VIII)

CONVERT SUPPORT TO ARMED GROUPS:

Providing material or logistics support to insurgents abroad constitutes intervention by coercion. ICS in Nicaragua v/s United States treated such act as violation of the sovereignty under both Article 2(4) and customary laws.

(IX)

SOFT INFLUENCE

V/S COERCION

(COUNTER-ARGUMENT)

Some argue that non-coercive influence, like diplomacy or aid conditionality does not breach non-intervention. However in hybrid warfare, the line between influence and coercion is increasingly blurred.

(X)

EXCEPTIONS: HUMANITARIAN INTERVENTION AND R2P:-

Humanitarian intervention and the Responsibility to Protect doctrine present controversial exceptions while aimed at preventing atrocities, unilateral intervention remains legally contentious, lacking ICS endorsement.

(XI)

ICS JURISPRUDENCE:-

ICS ruling (Nicaragua, Military and Parliamentary Activities) reinforce that coercive acts affecting domestic affairs are unlawful. They provide framework to assess modern interventions, such as cyber or economic coercion.

(XII)

CONTEMPORARY EXAMPLES:-

- 1- Russian cyber operation in Ukraine (2017-present)
- 2- US economic sanctions on Iran.

3- Proxy support in Syria and Yemen

All these illustrate challenges in applying non-intervention in modern, technologically advanced and geopolitically complex world.

(XIII)

ANALYTICAL ASSESSMENT:-

While Article 2(4) and 2(7) remains binding on all states, contemporary practices strain interpretations. Modern coercive acts often violate sovereign equality even if states attempt legal justification, highlighting the continued relevance of non-intervention.

(XIV)

CONCLUSION:-

The principle of non-intervention continues to ~~the~~ underpin international law safeguarding sovereignty

and political independence. Article 2(4) and 2(7) of the UN Charter supported by ICJ ruling and customary law, clearly restrict coercive interference. However cyber operations, economic coercion and covert support reveal evolving challenges, necessitating careful legal reasoning to preserve state equality in contemporary international relations.

Question No 5:

"THE INDIVIDUALS HAVE EMERGED FROM SHADOWS OF THE STATE TO BECOME DIRECT SUBJECT OF THE INTERNATIONAL LAW?"

(I)

INTRODUCTION:-

Historically international law primarily recognized state as the main subject, while individuals were largely considered objects of the legal obligation. Over time the individual has emerged as the direct subject of the international law, especially through human treaties, international criminal law and judicial bodies like ICJ and ICC.

This transformation reflects the evolving recognition of individuals rights and responsibilities at the international level, challenging classical state-centric paradigm.

(II)

TRADITIONAL STATE-CENTRIC INTERNATIONAL LAW:-

International law traditionally focuses on state as the primary subject, with individuals having no independent rights. Obligations were mediated through the state, reflecting Westphalian sovereignty and stark's emphasis on state primacy.

(III)

EARLY RECOGNITION OF INDIVIDUAL RESPONSIBILITY:-

The Nuremberg (1945-46) and Tokyo (1946) trials marked the first acknowledgment that individuals could be directly held accountable for war crimes and crimes against humanity, bypassing state immunity.

(IV)

EMERGENCE OF INTERNATIONAL CRIMINAL LAW:-

International criminal law codified

individual's accountability through conventions such as Genocide Convention (1948) and the Geneva Convention (1949), recognizing the individual could bear direct legal obligations under international law.

(V)

HUMAN RIGHTS TREATIES AS A VEHICLE :-

Treaties like Universal Declaration of the Human Rights (1948), ICCPR, and ICESCR conferred rights directly on individuals, making them direct beneficiaries of the international law rather than merely subject ^{under} of the state protection.

(VI)

THE INTERNATIONAL CRIMINAL COURT (ICC)

The Rome Statute (1998) established the ICC, empowering it to prosecute individuals for genocide, war crimes, against humanity, demonstrating a shift from state centric justice to individual accountability.

(VII)

ICT AND INDIVIDUALS:

Although the ICT primarily addresses state disputes, its advisory opinions on human rights and the Legality of the Threat or Use of Nuclear Weapons recognize that individuals are indirectly affected and increasingly central to ~~disputes~~ legal discourse.

(VIII)

CUSTOMARY INTERNATIONAL LAW AND INDIVIDUAL RESPONSIBILITY:-

Customary law recognizes crimes like piracy, genocide and slavery.

as offenses and the individuals can commit or be victimized by establishing a binding framework independent of the state action.

(IX) ANALYTICAL ASSESSMENT OF SHIFT FROM OBJECT TO SUBJECT:-

The evolution of the law demonstrates a clear trend of how individuals transition from being objects of the state obligations to independent legal subjects, accountable and entitled under international laws.

(X) COUNTER ARGUMENTS AND LIMITATIONS:-

Despite progress, state enforcement remains essential. Individuals cannot directly invoke all international obligations. The ICC

reliance on state cooperation highlights practical limitations of direct individual authority.

(XI) CONTEMPORARY EXAMPLES:-

- 1) Charles Taylor trial at the Special Court for Sierra Leone
- 2) Bosco Ntaganda at ICC

These demonstrate enforcement of the international criminal law against individual without state mediation.

(XII) HUMANITARIAN AND HUMAN RIGHTS IMPACTS:-

Direct rights empower individuals to seek international protection against state violations, seen in European Court of Human Rights Committee Jurisprudence.

(XIII)

ONGOING CHALLENGES AND FUTURE DIRECTIONS

Challenges include enforcement gaps, jurisdictional limits, and political pressure. Future developments may expand individual rights and responsibilities, balancing state sovereignty with human accountability.

(XIV)

CONCLUSION:-

This statement reflects the modern evolution of the international law, where individuals have become direct subjects with rights and responsibilities. While ICC, human right treaties and ICTJ enhance individual legal standing, state enforcement remains essential for practical application.

Question No. 4:

HISTORICAL EVOLUTION OF THE INTERNATIONAL LAW FROM CLASSICAL TO MODERN ERA:-

(I)

INTRODUCTION:

International law has evolved over centuries, reflecting the changing dynamics of the state interaction, sovereignty and global order. From its classical origin rooted in the natural law to contemporary codification of treaties, conventions and judicial practices, international law has continually adapted to political, economic and humanitarian developments. Understanding this historical evolution clarifies both principles and challenges of modern international law.

(II)

CLASSICAL ORIGINS : NATURE'S LAW FOUNDATION:

Classical rules national law emerged from natural law theorists ~~to~~ such as Hugo Grotius, emphasizing universal moral principles governing state behavior. Grotius De Jure Belli ac Pacis (1625) laid the foundation for laws of war, peace and treaties.

(III)

EARLY STATE PRACTICE AND CUSTOMARY LAW:

During the 16th-18th centuries, state practice and customary rules shaped the legal norms. Concept of sovereignty, diplomatic immunity and *ius gentium* were established as binding ~~except~~ despite the absence of codified treaties.

(IV)

INFLUENCE OF TREATY LAW:

Bilateral and multilateral treaties such as Treaty of Westphalia (1648), formalized agreements between the states and institutionalized the principle of territorial sovereignty, marking a key evolution in the international legal practice.

(V)

ENLIGHTENMENT AND PHILOSOPHICAL CONTRIBUTIONS:

Thinkers like Pufendorf and Vattel emphasized reason, equity and the legal obligations of states. They reinforced ideas of sovereignty, lawful wars, diplomatic norms, bridging moral theory and state practice.

(VI)

19th CENTURY CODIFICATION MOVEMENTS:-

The 19th Century saw formal codification through conventions such as Hague Convention (1864, 1907) and the Geneva Convention, regulating warfare, neutrality and humanitarian treatment.

(VII)

IMPACTS OF GLOBAL CONFLICTS:-

World War I highlighted the limitations of the classical law and customary rules, prompting the creation of the League of Nations, UN Charter and the enforcement mechanism to prevent aggression and uphold collective security.

(VIII)

EMERGENCE OF THE HUMANITARIAN AND HUMAN RIGHTS LAW:-

Post-1945, international law expanded to include human right treaties (UDHR, ICCPR, ICESCR) and international criminal accountability making the law more individual centred alongside state obligations.

(IX)

JUDICIAL INSTITUTIONS AND DISPUTE SETTLEMENT:-

Institutions like ICC, ICJ and ad hoc tribunals strengthen enforcement and interpretation of the international law. ICJ ruling (Nicaragua v/s US, Military and Paramilitary Activities) clarified principles of sovereignty and non-intervention.

(X)

CONTEMPORARY DEVELOPMENTS:-

Modern international law addresses cyber security, environmental law, terrorism and transnational crimes reflecting globalization and technological change. Treaties like Paris Climate Agreements exemplify adaptations to modern challenges.

(XI)

ANALYTICAL ASSESSMENT

The evolution from the natural law to the codified treaties and judicial oversight demonstrate a progressive shift from moral principles to enforceable legal frameworks. Modern law balances state sovereignty with global accountability and individual rights ensuring dynamic relevance.

(XII)

CONCLUSION:-

International law has evolved from natural law and customary rules to a sophisticated system of treaties, judicial oversight and global norms. Its historical development reflects the continuous adaptation of legal principles and addresses state interaction, human rights and contemporary global challenges.

Question No. 1:

STATE SUCCESSION, LEGAL STATUS OF BOUNDARY TREATIES, WRT DURAND LINE DISPUTE BETWEEN PAKISTAN AND AFGHANISTAN:

(I)

INTRODUCTION:

State succession is a fundamental concept in international law that addresses the transfer of the rights and obligations from a predecessor states to a successor. It has evolved through colonial independence, dissolution of federation and territorial reconfiguration balancing continuity and change. The legal status of the boundary treaty such as Durand Line between Pakistan and Afghanistan highlights the practical and theoretical challenges of succession in modern

international law. Understanding succession clarifies how stability, sovereignty, and international obligations are maintained during political transition.

(II)

DEFINITION OF STATE SUCCESSION:

State succession occurs when a new state replaces another in sovereignty over a territory, inheriting certain rights and obligations. It emphasizes its impacts on treaties, property, nationality and international responsibilities.

(III)

HISTORICAL DEVELOPMENT:

Succession rules evolve through colonial independence, post Ottoman Europe, and dissolution of federations. Early practices shaped doctrines of continuity and recognition of successor state.

(IV)

TYPES OF SUCCESSION:

The types determine the scope of inherited obligations and treaties.

They may be of two types:

1) Universal : Complete replacement
Eg: South Sudan.

2) Partial : Dissolution of federations
Eg: USSR.

(V)

MISNOMER DEBATE:

Some scholars argue that succession is misleading because legal obligations often persist despite political change. Example: Pakistan inheriting British India's Treaties in 1947.

(VI)

CONTINUITY V/S

TABULA RASA:-

Continuity doctrine preserves prior treaties and obligations. Tabula Rasa

allows the successor to reject old agreements. Both doctrines are applied contextually in modern international law.

(VII)

IMPORTANCE OF BOUNDARY TREATIES:-

Boundary treaties maintain stability and territorial certainty. Uti possidetis juris ensures that borders of former colonial powers are preserved to prevent disputes.

(VIII)

DURAND LINE BACKGROUND:-

The Durand Line (1893) demarcated between British India and Afghanistan was inherited by Pakistan in 1947. Afghanistan disputes its validity arguing it was imposed under duress.

(IX)

LEGAL STATUS UNDER INTERNATIONAL LAW:

Boundary treaties are generally preserved during succession to maintain stability. Continuity is prioritized under Starke's principles, and ICJ guidance, making the Darand Line legally binding despite disputes.

(X)

CONCLUSION:

State succession is a well established but context dependant concept in international law. Boundary treaties including the Darand Line are generally preserved to ensure territorial stability, though political disputes may ~~change~~ challenge their implementation for practice.