

Effectiveness of international law

Law



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Introduction This essay will focus on international law being an effective tool for the resolution of international disputes. Timely resolutions and unbiased resolutions are factors that determine effective dispute resolution. The definition and concept of international law, effective aspects of international law, and certain limitations of international law will be discussed in this essay. Furthermore, case studies will be provided to support the argument and to demonstrate the procedures of resolving international disputes.

Definition and Concept of International Law

International law can be defined as, the universal system of principles and policies concerning the relations between states and international organisations. The overall identity of international law is the United Nations, and they govern international law through legal documents known as treaties. International law is enforced by the United Nations Security Council and the International Court of Criminal Justice. Effectiveness of International Law in Resolving Disputes International law is expanding over the years as many countries are now relying on it to solve their disputes.

Most countries are part of regional organisations, such as the African Union and European Union, which follow the practice of international law . As more countries are getting involved in international organisations, the fairness and reliability of international law can be observed. International law is not forced upon countries. Countries participate in international organisations to ensure stability and predictability in their relationship with other countries. This voluntary participation ensures that laws and agreements made will be fair and unbiased to all participating countries.

Countries are not coerced into agreeing to international law. The laws made within an international organisation are derived after much debate and consensus from participating countries. After the agreements are made, these laws are put into place as treaties. This shows that international law allows for fair and unbiased resolutions as the laws will be clearly stated. Another positive element of international law in resolving disputes is, international law does not conflict with domestic laws most of the time.

Domestic laws focus on the prosperity of the country while international laws focus on the prosperity of all countries. Therefore, when it comes to resolving international disputes, most countries will accept the decisions made by the international tribunals and the International Court of Justice. International laws also adapt to the changes in society. These changes are reflected on the amendments of treaties. The United Nations ensures that all laws made are fair and unbiased. It also ensures that disputes between countries are dealt in the same manner.

This is the reason as to why the International Court of Justice is a separate entity. When countries that are having conflicts approach the United Nations for dispute resolution, they are referred to the International Court of Justice. The International Court of Justice examines all given evidence and they may also start their own investigations when it is required. The diversity amongst the panel of judges within the International Court of Justice reflects fairness and unbiasedness when resolving disputes.

The International Court of Justice also allows for countries involved in the dispute to nominate a judge of their choosing, an Ad hoc judge, to seat on the panel of judges. Case Study of the Effectiveness of International Law The <https://assignbuster.com/effectiveness-of-international-law/>

conflict between Singapore and Malaysia over the sovereignty of Pedra Branca and Middle Rocks is a good example of international law being effective. This case gives a clear example of how the International Court of Justice deals and resolves disputes effectively. The dispute started in 1980's when Malaysia published a map stating that Pedra Branca belonged to her.

Singapore disputed this, and both countries agreed to submit the dispute to the International Court of Justice. The International Court of Justice started their own investigation and the official hearing took place in 2007 under the name 'Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia v. Singapore)'. After a thorough study of all geographical evidence, ancient title documents and colonisation letters from the United Kingdom, in 2008, the International Court of Justice ruled that Pedra Branca belonged to Singapore and the Middle Rocks belonged to Malaysia.

Limitations in International Law There are certain limitations which affects the effectiveness of international law. Firstly, not every country is a member of international law making organisations. International law making bodies will not be able to make laws and resolve disputes fairly if not all countries are part of this process. Secondly, the International Court of Justice takes too long to make a decision. A key factor in dispute resolutions, is timely resolutions. If disputes are not resolved fast, the effectiveness of international law will be questioned.

Lastly, the decision of the International Court of Justice cannot be appealed. Not all decisions are fair to affected countries. There may be instances whereby unjust decisions cannot be appealed.. Case Study of Limitations The

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territorial dispute between India and Pakistan is a good example of limitations of international law. This case is a good example of countries that do not actively participate in International dispute resolution. Both countries have claimed ownership of Kashmir since they became independent.

However, they did not seek dispute resolution and over the years that tension increased into an armed conflict whereby many innocent lives were lost. The ongoing problem has worsened as Kashmir is now filled with terrorist organisations. In 2008, the United States of America stepped in and insisted that both countries resolve the dispute. The United Nations did not step in as they were not called upon by either country. Conclusion International law is an effective tool for international dispute resolution as it ensures that laws are made, and disputes are resolved in a fair and unbiased manner.

As there are many regional organisations, there are numerous avenues to resolve international disputes. However, the limitations to international law affects its effectiveness. International organisations should take a more active role and emphasise that all countries actively take part in international law to increase its effectiveness.

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