

PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS

DR. TRIPTI SHARMA
INSTITUTE OF LAW
98272-26254
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Q. 3: - Is International law a law in true sense or not?

Ans: - The status of International law, that whether it is a law in true sense or not, is a long debate. Jurists have different views to debate as a result of which different schools of thought have come to exist. The view of each of such school may be given as under:

1. **International law is not a law in true sense:** - According to this school of thought International law is not a law in true sense. They give following arguments in support of their view:

- i. There is no superior political authority
- ii. There is no legislature to enact the rules as in municipal law,
- iii. There is no judicial machinery to interpret the laws,
- iv. There is no executive authority to enforce international law
- v. International law is frequently violated by states.

So, on the basis of the above arguments this school of thought has contended that international law is not a law in its true sense.

2. **International law is a law in true sense:** - According to this school of thought international law is a law in true sense. They give the following arguments in support of their view:

- i. For the definition of law a political superior authority is not so necessary,
- ii. In fact there is a legislative body in the shape of General Assembly and Security Council and the states enter into treaties which also act as legislature,
- iii. In fact there is a potent judicial machinery in the shape of International Court of Justice (IJC). Though its decisions are binding on the parties when they by their mutual consent refer the case to it.
- iv. It is wrong to say that there is no executive authority to enforce International law, because the adverse view of the member states and fear of cessation of diplomatic and economic ties and fear of war act as sanction for its implementation.
- v. It is right to say that international law has frequently been violated but on this basis the status of international law as a law shall not be denied because law is law and its

v. There are some sanctions to enforce it but the same are to inadequate to attain the end of international justice.

Conclusion: - From the above discussion it may be concluded the international law is a law but a weak law due to many technical defects in it.
