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- Author (s):** Muhammad Salman Shafiq
- Affiliation (s):** Zhejiang University, Hangzhou, China
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Development of International Law: A Comprehensive Analysis

Muhammad Salman Shafiq*

Guanghua Law School, Zhejiang University, Hangzhou, China

Abstract

The characterization or evaluation of international law is not sufficiently defined in the field of foreign affairs. These laws are not solely left for state interpretation nor are they effectively engrained according to the consent of states. Compulsory assessment and enforcement in international law has increased its importance in broadening up its preview and reducing the dependence on state endorsement. This study aims to thoroughly examine the origins and advancements of international law. It explores the fundamental concepts and sources of international law, including international contracts, international establishments and challenges faced by these organizations. This study discusses multinational issues like international security, human rights and environment protection, highlighting the interaction between sovereignty of states and increasing demand for global leadership in these fields. The paper discusses the obstacles and challenges encountered in the implementation of international law. It is observed that effective and well-organized operations of legal structure is dependent on universal compliance and accountability. In the modern era, implementation of latest technologies, especially AI based technologies, can be one of the best solutions to cater international issues in timely manner. By probing its basics, historical framework and challenges, this paper contributes to understanding the future trajectories of international law.

Keywords: accountability, agreements, global organizations, treaties, trade

Introduction

International law is a body of rules and standards that governs the interactions and behaviors of sovereign states, as well as their relations with individuals, groups, and international organizations. It establishes guidelines for nations in a variety of domains, including trade, human rights, environmental preservation, and diplomacy and warfare (Babikian, [2023](#)).

*Corresponding Author: salmanshafiq1@zju.edu.cn

Public and private international law are two primary subfields in international law. Public international law addresses issues that affect the international community as a whole, such as multilateral trade, environmental protection, and human rights. In contrast, private international law deals with conflicts involving private parties with substantial ties to many countries, individuals or corporations (Hauck et al., [2024](#)).

The origins of international law include conventions, treaties, declarations, agreements, standards, and other activities. Among these, treaties are a primary source, which are legally binding agreements between states. Although international bodies like the United Nations assist in implementing some treaties, individual countries are ultimately responsible for upholding international law (Klabbers, [2023](#)).

Since there is no worldwide police force or authority to implement international law, its enforcement can be challenging. The willingness and agreement of participating nations play a major role in ensuring compliance with international law. Nonetheless, transgressions of international law may result in repercussions like economic sanctions, diplomatic pressure, or legal action before international tribunals and courts (Anderson, [2009](#)).

International law is essential for promoting international cooperation, peace, and order. It offers a framework for handling international issues, settling conflicts, defending human rights, and controlling trade. Despite potential obstacles and constraints, international law continues to develop and adapt to the shifting dynamics of the global community (Abdullahi et al., [2023](#)).

Research Objectives

- To examine the goals and tenets of international law, as well as its role in settling disputes between private parties in various legal systems.
- To investigate the role, jurisdiction, objectives, and mechanisms for enforcing international law.
- To examine the aims of international organizations in preventing armed conflicts, advancing social and economic welfare, and maintaining global peace and security.

Research Methodology

The study will employ historical research to analyze the development of international law, identify important turning moments, examine shifts in legal theories, and enforcement tactics. The historical perspective will clarify both the current objectives of international law and its development over time.

Origins of International Law

International law has evolved over centuries, adapting to the changing dynamics of the global community. Its development has been influenced by centuries of conflict, diplomacy, and international affairs. Thousands of years of historical politics and interactions have shaped the ideas and procedures that form the foundation of the contemporary international law (Bhat, [2023](#)).

Ancient Civilizations and Early Legal Systems

Some salient features of ancient civilizations legal systems are as follows:

Ancient Mesopotamia

The judicial system of Mesopotamia, the "cradle of civilization," was very complex. The renowned Code of Hammurabi and the Code of Ur-Nammu are two of the oldest known legal codes to come from this area. These codes outlined regulations on several areas of life, such as criminal offenses, family law, and property rights (Harris et al., [2023](#)).

Ancient Egypt

Even though there aren't as many written records of ancient Egypt's legal system as there are about Mesopotamia, the country had a structured system nonetheless. The vizier was responsible for hearing the case's specifics, while pharaoh acting as the ultimate judge. The laws of ancient Egypt addressed issues like criminal offenses, family law, and property distribution.

Ancient Greece

Instead of having a single legal system, ancient Greece was made up of several city-states, each with its own set of laws and customs. A common example of a city-state with a sophisticated legal system is Athens. Oral

tradition and the rulings of juries in law court aided as the footing of the Athens legal system.

Ancient Rome

The Roman Empire developed a highly influential legal system that significantly impacted Western legal traditions. Roman law originated with the compilation of the Twelve Tables of Roman Law around 450 BC and emphasized on the value of written laws, court processes, and the principle of justice.

Other Ancient Civilizations

Numerous other historical societies, including those in ancient China and India, also had unique legal systems. These legal systems, which frequently addressed issues like property rights, contracts, and social order, were shaped by cultural, religious, and societal conventions.

Emergence of Treaties and Diplomatic Relations

An important facet of international law is the growth of diplomatic connections and treaties. Written agreements regulated by international law that exist between sovereign nations or between states and international organizations are known as treaties. Through treaties, states can establish legal duties, rights, and responsibilities amongst one another. Treaties address a wide range of issues, such as human rights, trade, territory boundaries, defense, peace, and environmental issues (Guo, [2023](#)).

Formal contacts formed between governments through diplomatic channels are referred to as diplomatic relations. To promote dialogue, cooperation, and coordination between governments, diplomatic relations entail the interchange of ambassadors, consular officers, and diplomatic missions. International agreements, like the 1961 Vienna Convention on Diplomatic Interactions, frequently regulate diplomatic interactions (Damioli et al., [2023](#)).

Diplomatic relationships and treaties are intimately related. Treaties are often negotiated and signed by heads of state, governments, and foreign affairs ministries through diplomatic channels. The application and enforcement of treaties depend on diplomatic relations; however, the legal relationships established by a treaty remain unaffected by the termination of diplomatic relations between parties, unless there are specific

circumstances in which diplomatic relations are required for the implementation of the treaty (Berridge, [2022](#)).

Features of International Law

Sovereignty and Non-Intervention

Sovereignty refers to a state's absolute power and independence within its borders. It is the idea that governments should be allowed to run their affairs free from outside intervention. Sovereignty encompasses the authority to make decisions, impose laws, and manage resources within a state's boundaries (Paris, [2020](#)).

The idea of non-intervention holds that nations shouldn't meddle in one another's domestic issues. States or coalitions of states are forbidden from directly or indirectly meddling in another state's internal or exterior affairs without that state's consent. The goal of this principle is to uphold states' autonomy and independence as well as their peaceful ties with one another (Heintze, [1998](#)). the principle of non-intervention does not apply in many instances especially in cases of humanitarian intervention, self-defense or situations in which the UN Security Council has granted its assent (Margaret, [2019](#)).

Pacta Sunt Servanda: The Code of Treaty Obligations

According to this code, nations are legally obligated to uphold the terms of any treaty they have willingly and freely entered into, and they must carry out the obligations set forth in the agreement. This idea is regarded as the cornerstone of harmonious relationships between states because it creates a basis for trust and respect in international agreements and treaties. It's crucial to remember that the pacta sunt servanda premise is not unqualified. Treaty obligations may be broken under certain circumstances that are permitted under international law. The occurrence of a fundamental shift in circumstances (*clausula rebus sic stantibus*) or the presence of overriding standards of international law (*jus cogens*) are two examples of these exceptions (Pajaziti et al., [2024](#)).

The Principle of State Responsibility

In international law, the principle of state responsibility refers to the obligations and consequences that arise when a state violates its international obligations. It proves that under international law,

governments are responsible for their deeds and inactions (Anjarwati et al., [2023](#)).

A state is held accountable to other states for transgressing international law, such as conquering any other state's territory or breaching a treaty. The state must bear direct responsibility for the violation for it to be considered culpable for the breach (Nalule, [2023](#)).

The law of state responsibility determines when an obligation has been breached and outline the legal repercussions of such breaches. These regulations deal with questions of accountability and potential legal remedies if primary or substantive international law standards are violated. They offer a structure for making states answerable for their deeds and pursuing compensation for damages incurred (Henkin, [1995](#)).

It is crucial to remember that state accountability differs from personal criminal liability. While individual criminal responsibility deals with an individual's accountability for international crimes, state responsibility centers on the obligation of states as legal organizations (Sunga, [2021](#)).

Sources of International Law

Customary International Law

Customary international law is created by governments acting consistently & repeatedly over time, as opposed to being dependent on written agreements like treaties. A variety of sources, such as official reports of military operations, military manuals, national laws, case law, diplomatic communication, and the practices of international organizations, can be used to observe state practice.

There are two prerequisites for a norm to become customary international law:

State Practice

States must have a common, dependable practice that shows a sizable number of them have adhered to and depended upon the relevant regulation.

Opinio Juris

States must believe that they are required by law to abide by the regulation, demonstrating that they see the practice as a legal necessity.

States are obligated under customary international law to abide by its regulations. Courts and tribunals both domestically and internationally may use it and apply it. When treaty law is deficient or absent, customary international law fills the void and offers guidelines for different facets of international relations.

Treaties and Conventions

Treaties

Treaties are legally enforceable contracts among multiple governments that establish rights and obligations. They are typically concluded through official diplomatic negotiations. Multilateral treaties involve multiple states, whereas bilateral accords only involve two. These are recognized as the primary sources and bind governments that have signed or acceded to them. International agreements, protocols, pacts, conventions, covenants, and letter exchanges are some other terms for treaties (Klabbers, [2023](#)).

Conventions

Treaties or agreements between nations are known as conventions in the domain of international law. It is common to use the term "convention" synonymously with several different terms like compact or contract between states, and international treaty. Conventions can be bilateral or multinational, broad or specific. They could cover a range of topics, including trade, environmental preservation, human rights, and certain aspects of international law. Conventions usually include built-in compliance measurement methods, such as inspection procedures (Boyle et al., [2021](#)).

Conventions and treaties are both crucial instruments for controlling and directing international affairs. They set forth the responsibilities and privileges of countries and offer a framework for universal collaboration (Vig, [2023](#)).

Judicial Decisions and Case Law

International law heavily relies on court rulings and case law.

Judicial Decisions

The verdicts, recommendations, and judgments rendered by tribunals and international and domestic courts are referred to as judicial decisions. These rulings, which are the results of court cases, interpret and apply

international law to particular situations. Several judicial authorities, including national courts, regional courts, and the International Court of Justice (ICJ), may issue them. Universal legal norms and concepts are made clearer and more understandable by judicial decisions. It's crucial to remember, nevertheless, that court rulings in international law are typically seen as proof of global practice rather than legally binding precedents (Kaikobad, [2021](#)).

Case law

Case law is the corpus of law derived from court rulings. The body of rulings and opinions from both domestic and foreign courts on issues about international law is known as case law in international law. Case law offers direction on how to interpret treaty clauses and international legal concepts. It is crucial to remember that case law in international law is seen as a supplemental method of establishing legal norms with other countries (Klabbers, [2020](#)).

Universal Principles of Law

The teachings of highly competent legal experts, as well as national and international legal systems, can be used to establish general principles of law. When specific norms or precedents are absent in a particular field of international law, they act as a fill-in mechanism (Fonotova et al., [2023](#)).

The concepts of good faith, equity, estoppel, res judicata, and the impartiality of judges are a few examples of general legal principles. These tenets support the coherence and consistency of international legal thought by offering direction for interpreting and applying canons of international law.

International Organizations and Institutions

United Nations (UN)

The United Nations (UN), which has 193-member states, is a global forum for collaboration and communication and is essential to the establishment, formulation, and application of international law. The UN was founded in 1945 having objectives of upholding global harmony and safety, fostering amicable relations between states, advancing socioeconomic progress, improved living conditions, and human rights.

The UN's Charter, which outlines essential concepts such as the advancement of human rights, the proscription of the use of force, and the notions of sovereign equality of nations, is one of the main contributions of the UN to international law. The Charter is a fundamental component of international law, directing state conduct and acting as a source of reference in discussions of international law (Orakhelashvili, [2022](#)).

The chief court of the UN, the International Court of Justice (ICJ), renders advisory opinions on legal matters presented to it by the UNGA, the UNSC, or other UN bodies and specialized organizations in addition to resolving disputes between states. Legal principles are clarified and international jurisprudence is developed as a result of the ICJ's rulings and judgments (Amr, [2021](#)).

In a nutshell, the UN plays a significant and varied role in international law, establishing legal standards, resolving disputes, and fostering international collaboration and adherence to the law. The United Nations, using its diverse organizations and agencies, persistently molds the legal terrain, advocating for an international order founded on norms.

International Law and Role of Treaties

Vienna Convention and Law of Treaties

The Vienna Convention on the Law of Treaties (VCLT) is a contract that regulates the formation, determination, and suspension of treaties between governments (Slocum et al., [2021](#)). Here are a few important VCLT points:

On May 23, 1969, the VCLT was made available for signature after being approved by the UN International Law Commission in 1969. On 27th of January, 1980, it came into effect following its ratification by 35 states. As of January 2018, it was approved by 116 sovereign states. The United Nations has several goals, including maintaining international peace and security, fostering good relations between states, and fostering collaboration. It is believed that the VCLT reflects customary international law in a number of its sections, particularly those about treaty design and interpretation. These customary laws may bind even states that have not ratified the VCLT. No particular dispute resolution procedure is established by the VCLT. Nonetheless, it acts as a mediator in cases involving disagreements about how treaties should be interpreted and implemented.

Bilateral and Multilateral Treaties

Bilateral Treaties

Agreements between two parties, which may be two governments, two international organizations, one state and one international organization, or even two individuals, are referred to as bilateral treaties. Exclusive rights and obligations are established between the two parties via bilateral treaties. These treaties deal with a variety of issues, including border accords, trade, extradition, and investment. Trade agreements or extradition treaties between two countries are two examples of bilateral treaties (Golia & Anne, [2022](#)).

Multilateral Treaties

Multilateral treaties involve three or more parties and are typically negotiated and concluded within the framework of conferences or international organizations. To foster collaboration and address global concerns, multilateral treaties seek to create rights and obligations among a bigger range of governments. They address several topics, such as trade, disarmament, environmental preservation, and human rights (Orangias, [2022](#)).

Multilateral treaties can draw new parties over time, whereas bilateral treaties solely engage the parties that have signed the pact. When new parties join or succeed in a bilateral pact, it might become multilateral. Treaties, whether bilateral or multilateral, are crucial for defining international relations, creating legal frameworks, and tackling global issues. They aid in the growth and advancement of international law.

Treaty Interpretation and Reservation

The process of ascertaining the significance and extent of a treaty's terms is known as treaty interpretation. It is essential to make sure that states understand and apply agreements consistently (Mayer, [2020](#)). The VCLT's Articles 31 to 33 provide rules for construing treaties.

A-31

The fundamental concept of treaty interpretation is discussed in this article, arguing that one should read a treaty in good faith by considering the goals, circumstances, and ordinary interpretations of the words.

A-32

This article says that signatories to a treaty must make a serious attempt to carry out their responsibilities under it. One of the main principles of international law is highlighted in this clause: the importance of honesty, integrity, and mutual respect in treaty engagements.

A-33

This article ensures that countries are not required to adopt treaties without their prior approval and protects the autonomy of states.

Reservation to Treaties

According to Muneer et al. (2023) reservations are unidirectional declarations made by governments during the adoption, admission, or signature phases of treaties. States may alter or exclude a treaty's legal provisions from applying to their state by using reservations. The reservation's legality and effects are governed by the VCLT.

A-19

This article states that a reservation can only be acknowledged if it does not disrupt the provisions of the treaty or interfere with its objectives.

A-20

According to this article, a reservation that conflicts with a treaty's goals and objectives is deemed unlawful and is not admissible.

A-21

The initial idea of assent is established in this clause as a foundation for the legality and efficacy of treaties under international law.

It is notable that the impact of reservations could be different, based on the particular accord and the clauses included in it. To guarantee the legality of their reservations, states must carefully assess how well their intentions align with the goals and objectives of the treaty.

Enforcement of International Law and its Challenges

The results highlight several problems that international law enforcement has. Though the snippets only provide a brief overview, these are some common challenges in the application of international law:

Lack of International Law Enforcement Officers

There isn't a permanent organization of international law enforcement officers, in contrast to local law enforcement agencies. The enforcement of international law is made more difficult by the lack of a direct international counterpart to domestic law enforcement organizations (Barak et al., [2020](#)).

Legitimacy of Institutions

The UN Security Council and other organizations in charge of upholding this law may come under fire for their legitimacy. Some may contest the effectiveness of international sanctions, casting doubt on the authority of the organizations in charge of enforcing them (Remler, [2020](#)).

Difficulty in Handling Complex Situation

Whether domestically or internationally, situations requiring law enforcement assistance can be difficult to handle. For instance, if riots break out, it can be challenging to put an end to them or find a speedy solution. Similar difficulties could occur in a global setting.

Compliance and Enforcement

Ensuring adherence to international law and upholding its terms can pose significant challenges. International dispute resolution procedures sometimes depend on states consenting to the adjudicatory organizations' jurisdiction. It can be difficult to enforce rulings and judgments, especially when states refuse to comply (Taulbee & Von Glahn, [2022](#)).

Power Dynamics

The implementation of international law may face difficulties due to power relations among governments. Unbalances in the application of international law may result from states with more power or resources being able to thwart or resist enforcement actions.

Legal and Cultural Diversity

Each state's legal framework, treaties, conventions, customs, and guiding principles all have an impact on international law. Due to this diversity, different countries may have different rules that apply to them, which would complicate the implementation of international law (Lubis, [2023](#)).

Future Prospects of International Law

There is currently ongoing discussion and debate about the future of international law. Although there aren't many snippets, there are some interesting hints about possible future improvements. Here are some things to think about:

Challenges from Authoritarianism

In a world growing more authoritarian, there may be obstacles to international law in the future. In such a setting, there may be challenges for the liberal cosmopolitan project of global government via international law and multilateral institutions.

Multilateral Solutions and Human Rights

It depends on the progress of human rights and the search for multilateral solutions. The effectiveness and applicability of international law in contentious areas such as state responsibility for crimes and human rights may dictate the direction in the future.

Identification of New Legal Persons

The recognition of novel legal persons, like artificial intelligence, may be the subject of debate and investigation. The dynamic nature of technology and its influence on society may necessitate the adaptation of legal systems.

Expansion into New Areas

Due to bilateral state relations shifting, technology progressing, and climate change, it is anticipated that international law will extend into new areas of shared concern.

Strengthening International Institutions and Mechanisms

In order to ensure the efficient implementation and enforcement of international law, it is necessary to reinforce international structures and processes. The tiny excerpts clarify some of the relevance of this specific topic. These are some points to consider:

Democratic Governance

To make international organizations stronger, democratic decision-making procedures that consider the interests of emerging and major nations

alike must be ensured. This may be achieved through the institution's methods of consultation and by allocating authority or duty among its participants.

Application and Enforcement

Strict protocols are required to guarantee the execution and enforcement of international law. Respectable facilities are necessary for both the interpretation and enforcement of these laws as well as the peaceful resolution of disputes.

International Law for Public Welfare

Creating international organizations and procedures can contribute to the establishment of a global legal system that regulates behavior for the good of all. Regulation applies to states, members of civil society, local and international organizations, and market dynamics.

Integrity and Confidence in International Law

Empowering international organizations can help to foster respect and confidence in international law. This can encourage fair and effective approaches to global problems rather than relying on power dynamics that could unjustly burden weaker countries.

The development of international institutions and systems has the potential to be greatly aided by international organizations, such as the United Nations. Changes to the General Assembly, Security Council, funding, and relations with non-governmental organizations can all boost their effectiveness.

Promoting Universal Compliance and Accountability

Upholding and guaranteeing efficient operations of the international legal structure depends on promoting universal compliance and accountability in international law. The excerpts shed light on the significance of this element. Here are some things to think about:

Maintaining Accountability

When international law is broken, international organizations, especially the UN Security Council, have a unique duty to make sure that those responsible are held accountable. For the UN justice system to

continue to function effectively, rulings, resolutions, and court decrees must be upheld.

Fighting Impunity

To effectively battle impunity, accountability and justice systems must be strengthened. Not only does impunity weaken the chances for human rights, peace, and prosperity, but it also gives offenders more confidence and silences victims.

International Criminal Responsibility

In the process of holding people accountable for transnational crimes, judges, prosecutors, and international courts are essential players. The conviction of those accountable for grave transgressions of international law shows how many nations are attempting to provide responsibility.

Domestic and International Efforts

It is imperative that the international community firmly endorses domestic accountability initiatives. When national authorities fail to carry out their duties, international and hybrid criminal tribunals, as well as foreign tribunals based on the idea of universal jurisdiction, have been crucial in bridging the accountability gap.

Right to Truth, Justice, and Effective Remedies

Acknowledging and upholding the rights to truth, justice, and effective redress as well as reparations is necessary to establishing accountability. For revolutionary processes to be successful, these rights are essential.

Strengthening Procedures

Constant efforts are made to enhance implementation, compliance, and oversight to strengthen accountability and justice procedures. This entails addressing issues with the legal and policy framework, participating in policy discussions, and bolstering the mechanisms that are already in place.

Embracing New Challenges and Technologies

To keep up with the changing global environment, international law must embrace new challenges and technology. The snippets give some insights into this topic even though they don't include much information. Here are some things to think about:

Cybercrime and Emerging Technologies

There are issues with new technologies about cybercrime and how they affect human rights, among other things. To safeguard people and governments in the digital sphere, international law must be modified to meet these new challenges.

Adoption of New Technology

Use of advanced technologies have serious concerns on whether emerging military technologies, like artificial intelligence (AI) operated drones and self-propelled weapons, will comply with international humanitarian law. In order to cater these technological advancements, international law needs to be modified.

Treaties on Space Related Laws

As technology advances, greater numbers of individuals will be able to use and discover space, creating new difficulties for the treaty. These treaties need to address issues pertaining to space, such as resource extraction and space debris control. The vital function of international legal organizations is critical in the debate and resolution of modern issues such as extremism of all kinds, new technologies, and the effects of climate change.

Use of Technology in legal sphere

Law companies may face unexpected challenges while utilizing legal technology. Implementation of technology innovations, however, has the potential to transform legal practice and boost productivity.

Modifying World Circumstances

Global circumstances that are always changing give rise to challenges for international law, including rivalries for power and political disagreements, war and national security concerns, and diplomatic roadblocks. For international law to offer useful solutions, these complexities need to be handled.

Conclusion

A deep understanding of international law is required for protecting the sovereignty of states and international parties. Modern international law encompasses a broad range of issues, beyond the areas like diplomacy and

warfare, human rights, trade and economic issues and environmental concerns. The study highlights that, to effectively apply international law, the following measures are necessary: a- strengthening international organizations and procedures, b- promotion of universal accountability and compliance, and c- addressing emerging issues regarding technology developments. Open discussion, effective application and execution of processes, and recognition of the right to justice, truth, and effective remedies are required to sort out these issues. The future development of international law is totally dependent on its ability to sort out the problems and challenges occurring in this modern area of artificial intelligence. These issues involve cybercrime, space exploration, and shifting global dynamics. Use of technology in legal filed, encouragement in communication and cooperation among stakeholders are essential for development of international law. Despite ongoing developments, international law remains crucial for practical application. Its development is continuously influenced by nonstop debates and evolving international and regional legislations.

Conflict of Interest

The author of the manuscript has no financial or non-financial conflict of interest in the subject matter or materials discussed in this manuscript.

Data Availability Statement

Data availability is not applicable as no new data was created.

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