Keeping International Security Afloat: The Importance of International Law in the Context of International Law and State Duties

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Abstract

I assume that the advancement of international bodies will have a significant effect on the development of international law. International law can only work through the mechanisms of states, not by itself. This fact is commonly overlooked by the wider populace and many experts. As states spread aggression as well as a war to achieve their goals, it is much more likely to assume that international law did nothing to stop warfare and improve international security rather than that member states had failed to maintain peace and security along with preventing warfare. Preventive measures of warfare and promotion of international security were considered on wide scope among, though not the purposes of international law, even the prevention of aggression and the protection of internal security are the features of domestic laws. International law cannot prevent warfare or ensure security on its own; it requires the efficient functioning of the state. Here I will explore different significances of the implementation of international law along with the duties of states to maintain international security. The purpose of this study is to clarify international security, the significance of international law with the duties of states to maintain international security, and find out loopholes along with recommendations.

Keywords: International Security; International Law; Peace; Warfare; States.

Introduction:

The aspect of international security was initiated with the forming of states and was systematized with the establishment such as the first state. International security is an important theory associated with characteristics that can be understood in different ways based on the forms under consideration. Criticism, controlled principles, and

strategies to protect these people vary, and for several years the changing concept of security threats has led to increased research studies on international security aspects.

International security in the context of international law is still in its formative stages and is closely linked to the United Nations Security Council. The banning on the utilization of occupying attacks applies to all United Nations members, and the Security Council is responsible for international security.[1] International security is the result of a framework based mainly on the transfer of independent States to different entities, which also provides a conceptual framework and constitute legislation for independent States that do not agree with each other. International security is a systematic method of legitimizing collective responses that initially focus on addressing traditional risks to international security. Although the issues of the international security of the state and the religious community since the end of the Cold War have arisen from a variety of different security issues such as the growing concern about international security, the tripartite role of non-nationalists and the lack of effectiveness of the planned international agreement to address adaptable security concerns. In this paper, I will explore the definition of international law and international security, the relationship between international law and security, the significance of international law in international security, the challenges of international law in international security, and recommendations.

Aims of the paper:

This paper is designed based on some key aims. Such as the following:

- To define international law and international security.

- To explore the relationship between international law and international security.

- To discuss significant roles or contributions of international law to maintain international security.

- To clarify the duties of states to maintain international security.

- To explain challenges and recommendations for maintaining international security.

Definition of International Law:

A set of standards stipulated upon by states in their foreign affairs is usually regarded as binding and legal by all those states.[2]

International law is a law that regulates how states collaborate. These regulations are designed to protect the environment, safeguard the seas, protect human rights, and contribute to economic development. Numerous international bodies (including the International Criminal Court) have guidelines in place that prevent specific patterns of action. The body of international law is composed of treaties, conventions, declarations, agreements, customs, and other sources. This body of law is created through the negotiation and signing of treaties, and it is enforced through judicial proceedings.

International Security:

International security is concerned with the preventative measures of disputes among states and the protection of people from violence.[3]

International security now extends well beyond peace-building and armed conflict. It now includes topics including such as human rights, the environment, and world economic governance. Researchers are currently arguing significant global issues affecting our survival, such as global warming, pandemics, and economic systems.

International security refers to the methods meant to protect and solve issues, as well as to keep people safe along with their society. This could include military activities, building peace, building capacity, and diplomacy treaties and conventions.

Relationship between international law and international security:

The peaceful negotiation process is an important element of international security and development. International security was formed based on peaceful resistance, a common foundation, and respect. Focusing on the requirements and standards, the need for diplomatic means is a fundamental aspect of international law. Aspects of these states - Sensitive results based on international law - Consciousness and cooperation. The basic principles of international

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[2]Traisbach, Knut. "International Law (Introduction)." SSRN, 24 Apr. 2017, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2872862.

[3] Savitri, K. "The United Nations charter framework for conflict resolution: procedures and practices of pacific settlement of disputes." India quarterly, vol. 53, no. 3/4, 1997, pp. 61–100, http://www.jstor.org/stable/45072899. Accessed 17 may 2022.

law are the protection of international security.[4] The violation of international peace and security is what the states do in the process of interaction. The states involved may face serious consequences like all other states. People around the world believe they are dedicated to peace and the abolition of war. Recent events show that the principles based on these policies have a great impact on the world.

Respecting international law's precepts is recognizing international security's rules and standards. The force majeure of international law arises from the express consent of the State. N. Titulescu places a high value on the rule of law and highlights the importance of respect and strict compliance through using the law to keep societies from committing harmful acts. International security is governed by international law, and states must maintain peace and security. Rules and principles based on the agreement for the sake of security between states with an absolute obligation to follow international law allow them by their existence.

Significant roles of international law to maintain international security:

According to Article 1 of the UN Charter, "one of the purposes of the United Nations is to coordinate or resolve situations which may cause conflict and breach the peace by peaceful means, under the principles of justice and international law."[i] The rule of law must guarantee that all states apply and respect the principles of international law and justice equitably. The Charter establishes the legal framework for international law to maintain international security. It provides guidelines for the design of international peace and security. It provides a means for states to establish the mutuality of sovereign equality, and agreement on the coherence and credibility of their activities within the framework of international law to resolve conflicts.

International law emerged as an important role in the world because of its effectiveness. Today's international law is the most acceptable way to balance world peace and ensure the security of societies. Some of its key functions include ensuring international security:

1. Implementation of international peace and security.

2. Ensuring fundamental freedoms and human rights through international security.

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[4] Gelsdorf, kirsten. Global Challenges and Their Impact on International Humanitarian Action. 2010, https://www.unocha.org/sites/unocha/files/Global%20challenges%20and%20their%20impact%20on%20international%20humanitarian%2 0action.pdf.

3. Refraining from the risks and utilization of force by a state against the territorial integrity or political independence of a state.

4. Ensuring the right of people to self-determination.

5. Promoting international cooperation in solving international problems of an economic, social, cultural, or humanitarian nature.

6. Settlement of international disputes by peaceful means.

There could be no standardized laws, but there was international law whose broad application can aim to prevent conflicts and it can ensure maintain international security.

Duties or responsibilities of states for maintaining international security:

A state is liable for directly breaching international law, including violating a treaty. States are liable for their duties if they violate them. Under international law, states have rights that come with duties. A state is responsible for its citizens' acts if such activity is carried out within the state's legal limits. The action of a state is legal when this is compelled by the normative standard of public international law when it follows the right to self - determination under the United Nations Charter, and when it persuades another state due to force majeure (French: "greater force"). If it is necessary to preserve another's life or protect the nation from imminent risk, the right to disposal cannot be ignored. It is prohibited to dispose of an object when a state's interests are at issue. States' expanding duties in international security have resulted in a much more equitable international order. Although its progress and accession to the UN, states are conscious that they would have not achieved the end of the line in their efforts to support the world in achieving international security and state justice.

Challenges of international law in international security:

The world is currently experiencing challenges, such as a combination of global crises and instability. Due to the confluence of risks and insecurity, traditional response tools have had limited effectiveness in dealing with contemporary crises. High-intensity conflict and unrest can be found around the world, with variable severity depending on the geographical location or state.[ii]

International law plays an important role in the states, even though it is not always closely associated with them. Most of the treaties established by the United Nations form the basis of the law that governs international security. International law is based on agreements and conventions between states. To ensure international security, several

challenges have been addressed. Terrorism, global warming, and nuclear proliferation are among the challenges. The United Nations is now the only body with the authority and resources to address global issues and challenges. It is unique in its capacity to bring various nations and organizations together to solve common challenges. The United Nations serves as a framework for dealing with global issues that are too enormous for any single state to handle. This enables a more coherent response and aids in the protection of civilians. The United Nations was established to promote international security and safeguard human rights, as well as to build the framework for international law.

- Climate change is a major challenge that must be handled, and people are more aware of it than ever before. Climate patterns, food productivity, animal extinctions, and sea level rise all contribute to global warming, and when these factors are combined, the results may be disastrous. If future environmental damage is not considered today, it will be unavoidable since existing issues are not being treated effectively. More disasters are being caused by climate change, and the costs of responding to these occurrences are rising.

- Another challenge that falls within the scope of international law is the issue of humanitarianism. This refers to the actions that a state or individual may take to help those in need, without regard to their nationality or political affiliation.

- The third challenge that is important in the field of international law to maintain international security is the issue of overpopulation. Overpopulation can lead to many problems, such as environmental destruction, social unrest, and even war.

- Any crime that violates international law during an armed conflict is considered a war crime. Crimes against security, genocide, and crimes against human dignity are examples of such crimes. In a far more specific context, war crimes are merely offenses that violate international law and military regulations.

- Terrorism may be defined as any act that is violent and threatening toward civilians to achieve a specific agenda. This might range from explosions to massacres. Despite recent advances, the world is still a hazardous place to exist today. People continue to experience several problems and dangers daily.

Recommendations:

- The International Court of Justice is not a judicial body that can enforce its rulings, which means that it can only make recommendations. There is no guarantee that a decision will be made correctly, as there is no

way to ensure that it is enforced. The power to enforce international law can be a key factor in ensuring international security.

- International law must be implemented for maintaining international security, even when states must interact with each other.

- International law can be a key role to play in resolving international disputes, to ensure international security. This includes matters such as the economy, social issues, culture, and more.

- The use of pressure by one state on another should be prohibited under international law to ensure international security.

- Treaties and conventions are built on interactions between different states, and policymakers should not interpret international law to accommodate their purposes for maintaining international security.

Conclusion:

International law plays a major role in the structure and operation of international security and contributes to the maintenance of international peace and security. International law is designed to safeguard society and the international community. As the number of security-related legal concerns grows, new areas of international law for international security are expected to diverge from the law in various ways. International law for international relations security is evolving gradually and step by step.