

IMPACT OF INTERNATIONAL LAW ON GLOBAL GOVERNANCE

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ABSTRACT

Welfare and compassion for people have always been the primary goals of all authorities. Global governance is one of the primary issues in the modern world as a result of this. Global governance refers to the variety of practises that, in a free exchange against the backdrop of globalisation, establish laws for the local, national, regional, and global levels. Simply put, global governance refers to how all nations are governed.

This implies that there should be at least a few fundamental laws that are universal and applicable to all nations, laws that are deemed necessary for all nations. However, global governance cannot be implemented without creating regulations that all nations must follow and without enacting laws that govern all fundamental principles that a nation should uphold. In this situation, international law is relevant. International laws are those that are created equally for all nations and whose violation results in a country losing privileges and having sanctions placed on it internationally.

International laws are a body of regulations, pacts, and agreements that legally bind nations. In order to make legally binding rules that they believe will benefit their inhabitants, countries get together. It is a different legal system that exists outside of a specific state's legal system.

Thus, international law establishes guidelines for all significant issues involving nationals of nations, members of international organisations, and multinational corporations that influence global interconnection.

Therefore, we will be addressing and elaborating on the role of international laws, including treaties and other agreements, in governing all nations globally and how this has an affect on their own domestic laws in this research paper. We'll talk about the effects of international law on global governance and how it affects it.

INTRODUCTION

Providing a framework for governing international interactions and resolving conflicts between states, international law is a crucial part of global governance. The historical development of international law, theoretical perspectives on its role, sources of international law, enforcement mechanisms, obstacles to its effectiveness, and case studies of its application in various fields are just a few of the important subjects that would be covered in a research paper on the subject of the role of international law in global governance.

Although the foundation of international law can be traced back to antiquity, the concept of the nation-state and the emergence of contemporary international law occurred in the 17th century. By recognising state sovereignty and the value of refraining from interfering in domestic affairs, the Treaty of Westphalia, which was signed in 1648, represented a turning point in the evolution of international law. Since that time, human rights, trade, and environmental protection have all come under the purview of international law.

Positivism, realism, and constructivism are the three most prevalent theoretical stances on how international law functions in global government. Realists see international law as a vehicle for advancing national interests, whereas positivists see it as a set of norms that must be adhered to. Contrarily, constructivists see international law as the result of social interaction and a tool for establishing universal standards.¹

Treaties, customary international law, and basic legal concepts are some of the origins of international law. The Geneva Conventions, the United Nations Charter, and the Paris Climate Change Agreement are just a few examples of the many treaties that make up international law. .The International Court of Justice, international tribunals, and other dispute-resolution procedures are examples of enforcement mechanisms for international law. The main court of the United Nations, the International Court of Justice, has the power to consider cases involving states. International tribunals, like the International Criminal Court, are specialised

organisations that concentrate on particular branches of the law, including international criminal law or human rights.ⁱⁱ

Despite the presence of these procedures, the current state of the world presents several difficulties for international law. International law is not widely accepted, there is no global government to enforce it, and there are conflicts between national sovereignty and global governance.

Global concerns have been addressed via international law, demonstrating its ability to advance justice, peace, and international collaboration. These case studies cover the World Trade Organization's dispute resolution procedure, the UN Framework Convention on Climate Change, and the International Criminal Court's prosecution of war crimes in Darfur.

While general legal principles are taken from national legal systems and recognised by the international community, customary international law is founded on long-standing customs and beliefs. This builds a great deal of trust among people.

In conclusion, international law is essential to global government because it offers a framework for controlling interstate relations and resolving disputes between states. International law has the capacity to advance world peace, fairness, and collaboration in spite of its difficulties. The different facets of international law, including its historical evolution, theoretical viewpoints, sources, enforcement methods, difficulties, and case studies, will be explored in this essay on its role in global governance.

HISTORICAL DEVELOPMENT OF INTERNATIONAL LAW

International law is essential in determining how the world is governed because it provides a framework for governing relations between states, encourages collaboration on world concerns, and upholds fundamental moral values like fairness and human rights. International law has been evolving over time as a result of historical events, evolving norms, and shifting power relations. This paper will look at the historical evolution of international law in the context of global governance, noting significant turning points and advancements in the area.

Ancient civilizations, when treaties and agreements between states were used to settle disputes and control trade, are where international law first emerged. But it wasn't until the seventeenth

century that the idea of international law as a distinct discipline of study started to take shape. The expansion of trade and colonisation, which necessitated the creation of legal frameworks to control cross-border transactions and conflicts, contributed to this. Since it established the principle of state sovereignty and acknowledged the equality of all sovereign nations in international relations, the Treaty of Westphalia, which concluded the Thirty Years War in 1648, is regarded as a founding instrument of contemporary international law.

As European powers, the seventeenth and nineteenth centuries saw additional changes in international law. New concepts about the function of law in society were also introduced by liberalism and Enlightenment, and thus notions started to be used in international relations. With the creation of international treaties on subjects like maritime law, neutrality, and the treatment of prisoners of war, the codification of international law started in the nineteenth century. The Hague Conventions of 1899ⁱⁱⁱ and 1907^{iv}, which established the International Court of Arbitration and provided a framework for governing the conduct of war, were important turning points in the evolution of international law.^v

The establishment of the League of Nations to foster international cooperation and avert future hostilities marked a significant change in the international system following World War I. A rising appreciation for the value of international law may be seen in the League of Nations Covenant, which served as the foundational document for the organisation and offered a framework for settling conflicts between states. On the other side, the League of Nations in course of time was unable to stop World War II from starting, and the legitimacy of international law was damaged.

The United Nations was founded by the international community in the aftermath of World War II, and it has since evolved into an indispensable institution of world administration. The fundamental tenets of international law, such as state sovereignty, the proscription of the use of force, and the responsibility to respect human rights, are outlined in the UN Charter, which was ratified in 1945. In a number of fields, such as trade, environmental protection, and the management of armed conflict, the UN has also played a significant influence in the development of international law.

New international legal frameworks have also emerged in the years following World War II, such as international human rights law, which aims to defend people's rights from state abuses. The UN General Assembly's adoption of the Universal Declaration of Human Rights in 1948

marked a turning point in this field by defining a set of principles for human rights that have since been incorporated into international law. Another important development in recent decades has been the growth of international criminal law, which aims to hold people accountable for crimes against humanity and war crimes.

Despite these advancements, there are still ongoing challenges to the legitimacy and efficiency of international law in global government. Some detractors claim that because governments can disregard or violate international law's rules with impunity, it is frequently ineffectual in practise. Some claim that powerful governments' interests are reflected in international law, and that this might exacerbate existing power disparities. The making and application of international law are also continually hampered by the lack of universal recognition of it and the conflicts between national sovereignty and global governance.

The fact that international law's guiding concepts and regulations are not universally recognised is one of its biggest problems. There are substantial disparities in how these principles are interpreted and applied, even if the majority of states accept the fundamentals of international law. Some states may be more resistive to the imposition of international legal rules, especially those with autocratic administrations or those who feel marginalised in the international system. Due to governments' reluctance to submit to the jurisdiction of international courts or tribunals, this might make it difficult to enforce international law.

The conflict between national sovereignty and global governance is another obstacle for international law. International law recognises the value of state sovereignty and the ability of states to exercise their own judgement while simultaneously attempting to foster collaboration and cooperation between states. This may pose problems when national interests and those of the world community collide, as in the case of climate change or international trade. A careful weighing of opposing interests and priorities is necessary to resolve these disputes, and it can also be necessary to create new legal frameworks or procedures for cooperation.

Despite these difficulties, international law nevertheless plays a crucial role in global governance by offering a framework for policing relations between states, encouraging collaboration on international problems, and protecting fundamental moral ideals like fairness and human rights. In order to solve the complicated issues the international community will face in the years to come, it will be essential for international law to continue to develop and

evolve. The value of international law in advancing peace, stability, and prosperity will only increase as the globe becomes more interconnected and interdependent.

THEORETICAL PERSPECTIVE ON INTERNATIONAL LAW

One of the topics of ongoing discussion among academics and decision-makers is the place of international law in global governance. The relationship between law, power, and global governance can be viewed through a variety of lenses using various theoretical perspectives on international law. We shall examine positivism, realism, and constructivism as three theoretical approaches to international law in this post.^{vi}

A legal theory known as positivism emphasises the value of legal norms and procedures as well as the formal structure of the law. Positivism holds that because nations have agreed to it through treaty commitments and other legal instruments, international law is a result of the formal legal procedures of states and international organisations and is enforceable against states. Positivists emphasise the significance of legal interpretation as well as the function of international courts and tribunals in putting international law into practise and interpreting it.

According to a positivist viewpoint, international law is essential in governing interstate relations and encouraging collaboration on global concerns. International law can contribute to the reduction of conflict and the promotion of stability in the international system by setting clear guidelines and processes for resolving disagreements and encouraging collaboration. Positivists contend that international law offers a framework for advancing justice and human rights by defining explicit expectations for state conduct and enabling channels for complaint and reparation.

But positivism has come under fire for being overly formalistic and for failing to take into consideration the many political and social forces that influence the creation and application of international law. Critics claim that positivism overemphasises formal legal frameworks and procedures while failing to appropriately take into account the power dynamics that underlie global affairs. Furthermore, positivism might be viewed as excessively confident in the power of the law to control state behaviour, especially when states are driven by strategic or commercial objectives.

Another theory on international law that emphasises the importance of power and self-interest in interpersonal interactions is realism. Realists contend that the most powerful governments

in the international system are represented in international law, which points towards their interests. Realists claim that international law is only successful when it is supported by a real threat of force and emphasise the importance of military force and coercion in influencing international affairs.

Realistically speaking, international law has a limited impact on world administration because it is mostly a byproduct of state power dynamics. Realists contend that governments will only uphold international law when it benefits their economic or strategic interests and that, otherwise, they will disregard or violate it. Realists contend that strong governments may utilise international law as a weapon of dominance in order to justify their own actions while denigrating those of their adversaries.

But realism has also come under fire for being excessively pessimistic and for overlooking the possibility of cooperation and collaboration between governments. Realism is criticised for emphasising power and self-interest too much and for failing to sufficiently take into account how norms and values influence state behaviour. Moreover, realism may be perceived as being unduly pessimistic regarding the capability of international law to foster collaboration and stability, particularly in situations where states have similar interests or are threatened by similar dangers^{vii}.

Constructivism is a theory of international law that places an emphasis on the influence of ideas and norms on state behaviour. According to constructivist theory, governments and other participants in the international system interact socially and communicate to form shared norms and values that become part of international law. Constructivists contend that international law's definitions and applications are always changing and emphasise the significance of discourse and language in influencing international relations.

From a constructivist standpoint, international law strongly influences state behaviour by fostering common standards and values. Constructivists contend that through fostering a common understanding of the principles and standards that guide international behaviour, international law can contribute to the development of trust and cooperation between states. They emphasise the significance of civil society and international institutions in influencing the creation and application of international law and contend that these groups can be instrumental in fostering the adoption of new legal standards and practises.

Constructivism has, however, also come under fire for being excessively utopian and for neglecting to take into consideration the influence of power and self-interest on state behaviour. Constructivism's detractors claim that it overemphasises ideas and norms and fails to appropriately take into consideration the ways in which nations may use international law to further their own interests or strengthen their own position^{viii}. Constructivism's too optimistic view of how international law might foster collaboration and stability may also be seen, especially in situations when states have divergent interests or values.

Therefore, various lenses through which to view the function of law in global governance are provided by theoretical perspectives on international law. While realism emphasises the influence of power and self-interest in influencing state behaviour, positivism emphasises the formal structure of law and the significance of legal rules and procedures. Constructivism places a strong emphasis on how ideas and norms shape state behaviour and encourage cooperation. Each of these viewpoints gives crucial insights into the intricate interplay between law, power, and global governance. They can also contribute to continuing discussions about how international law might best handle the urgent problems that the international community is currently confronting.

INTERNATIONAL LAW: SOURCES

The legal standards and precepts that regulate interactions between nations and other participants in the international system are referred to as international law. These qualifications and precepts are supported by a variety of legal statutes and customs that make up the sources of international law. The three main sources of international law—treaties, customary international law, and basic legal principles—will be discussed in this essay.

Treaties are formal agreements that create rights and obligations for states. Treaties can be multilateral, involving several governments or international organisations, or bilateral, involving just two states. The basic international legal outline that controls the creation and evaluation of treaties is the Vienna Convention on the Law of Treaties.^{ix}

The 2015 Paris Agreement on climate change^x, which has been adopted by 190 nations, is one of the treaties. The Paris Agreement includes legally enforceable commitments for

governments to report on their progress towards achieving these goals and lays out a framework for cutting greenhouse gas emissions and adapting to the effects of climate change.

The 1982-adopted United Nations Convention on the Law of the Sea (UNCLOS), which has been approved by 168 nations, is another example of a treaty. With rules on maritime boundaries, navigational rights, and the governance of marine ecosystems, UNCLOS sets the legal foundation for the use and conservation of the world's water-bodies and marine resources.

International law that has been adopted over time as a result of continuous state behaviour and the perception that such behaviour is needed by law is referred to as customary international law. All governments, including those that have not given their formal agreement, generally recognise customary international law as having binding authority. The two basic components of customary international law, according to the International Court of Justice, are the presence of a common and harmonious practise among states and the *opinio juris*—the view that such a practise is legally needed.

The ban against the application of force in international relations, which has been acknowledged as a fundamental principle of international law since the adoption of the United Nations Charter in 1945, is one example of customary international law. Only in self-defense or under UN Security Council approval is the use of force allowed.

The duty to protect human rights, which has been acknowledged by numerous international treaties and declarations as well as consistent state practise, is another illustration of customary international law. The UN General Assembly's 1948 adoption of the Universal Declaration of Human Rights is frequently cited as proof that there is a regularised standard for the protection of human rights.

The legal principles known as "general principles of law" are those that can be used for the application of international law and are accepted by the majority of legal systems. In situations where no specific legal rule is present, these principles, which encompass ideas like fairness, equity, and justice, may be utilised to enhance other sources of international law.

The non-discrimination concept, which mandates that all people and groups be treated equally in accordance with the law, is an illustration of a broad principle of law. The International Convention on the Elimination of All Forms of Racial Discrimination and the Universal Declaration of Human Rights both contain references to this idea.

The good faith standard, which calls for states to deal with other states in an honest and ethical manner, is another illustration of a basic rule of law. The Vienna Convention on the Law of accords, which mandates that governments negotiate and carry out accords in good faith, upholds this notion.

Treaties, customary international law, and basic legal concepts all serve as sources for international law. Each of these sources contributes significantly to the develop the international legal system and the encouragement of state collaboration and cooperation. Policymakers and academics can more effectively traverse the complicated legal environment of the international system and endeavour to create a more equitable and peaceful world by having a deeper understanding of the various sources of international law.

ENFORCEMENT MECHANISMS

In order to ensure that international law is followed, enforcement mechanisms plays a major role because they offer a way to settle conflicts and hold governments and other players responsible for their deeds. The International Court of Justice (ICJ)^{xi}, international tribunals, and other dispute resolution procedures will all be covered in this section along with additional enforcement mechanisms for international law.

The UN General Assembly and Security Council receive their major legal advice from the International Court of Justice (ICJ), which is the UN's main judicial body. The International Court of Justice (ICJ) has the authority to hear disputes between states and can render decisions that are legally binding. The UN General Assembly and Security Council choose the 15 judges that make up the Court for nine-year tenure.

The 1999 decision in *Yugoslavia v. United States*^{xii}, in which the Court found that the NATO-led bombing campaign against Yugoslavia in 1999 was not permitted by the UN Security Council and therefore breached international law, is one instance of the ICJ's role in upholding international law. The decision was noteworthy because it reaffirmed the significance of the UN Charter's ban on using force and emphasised the necessity for governments to get the Security Council's consent before taking military action.

A number other international tribunals have been established in addition to the ICJ to enforce particular areas of international law. One illustration is the International Criminal Court (ICC), which has jurisdiction over people charged with humanity crimes, genocide, and war crimes. The Rome Statute created the International Criminal Court (ICC), the first permanent international criminal court, in 1998. Its headquarters are in The Hague, Netherlands, and it has 123 member states.

The investigations and prosecutions of people charged with war crimes and crimes against humanity in locations like Sudan, Kenya, and Libya serve as an example of the ICC's role in upholding international law. As an illustration, in 2012, the ICC issued an arrest warrant for Omar al-Bashir, the president of Sudan, who was charged with war crimes, crimes against humanity, and the Darfur genocide. Al-Bashir has not yet been detained, but the ICC's measures helped draw attention to the situation in Darfur and emphasised how crucial it is to hold those responsible for grave breaches of international law accountable.

Arbitration, mediation, and negotiation are just a few other ways that international law might be enforced.^{xiii} Without using military force or other coercive tactics, these procedures can be used to settle conflicts between nations or other parties. For instance, the Joint Comprehensive Plan of Action, also known as the Iran Nuclear Deal, was negotiated between Iran and the P5+1 nations (the United States, United Kingdom, France, China, Russia, and Germany). In exchange for the relaxation of economic sanctions, the agreement provided a framework for guaranteeing that Iran's nuclear programme remains peaceful.

There are many different ways to enforce international law, yet it is still difficult to make sure that these methods are fair and efficient. The fact that enforcement mechanisms frequently require the approval and cooperation of states—who might be reluctant to submit to the authority of international courts or tribunals—presents one difficulty. Another issue is the possibility of political pressure or prejudice on enforcement procedures, especially when powerful powers are engaged in conflicts.

Despite these obstacles, the creation of international law enforcement agencies is a critical step in advancing the rule of law in international relations and fostering friendly and cooperative ties between states. These mechanisms encourage greater respect for human rights and the rule of law in the international system by holding individuals and states accountable for their conduct and preventing violations of international law.

CHALLENGES TO INTERNATIONAL LAW AND GLOBAL GOVERNANCE

International law has a number of serious issues in the contemporary global context, despite the crucial role it serves in fostering cooperation and peaceful relations between governments. These difficulties, which have their roots in intricate political, social, and economic issues, offer serious hurdles to the efficient application and enforcement of international law.

The fact that international law's concepts and practises are not universally recognised is one of its biggest problems. There are some states that have not ratified international treaties and conventions, and even those that have may not always uphold their responsibilities. The majority of states have ratified these agreements. The effectiveness of international law is undermined by this lack of universal acceptability because it is challenging to develop and enforce standardised behaviours.

For instance, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of Persons with Disabilities are just a few of the significant international treaties and conventions that the United States has not ratified^{xiv}. The potential of these treaties to set common norms for equality and human rights is jeopardised by the absence of ratification.

The absence of a universal government or other centralised authority to enforce international law's principles and norms presents another difficulty. International law relies on the collaboration of governments and other players to assure conformity, as opposed to domestic law, which is implemented by a single government agency. Due to the absence of a centralised enforcement mechanism, it may be challenging to hold nations accountable for breaking international law. This may also damage the reputation of the international legal order.

The proper application of international law is further complicated by the conflicts between national sovereignty and global governance. States frequently resist handing over control to foreign organisations, especially when doing so would jeopardise their national interests or

sovereignty. Particularly in areas like human rights and environmental protection, this tension may significantly impede the efficient application of international law.

For instance, in 2017, the United States withdrew from the Paris deal on climate change because to worries about how the deal will affect the economy and jobs in the country. This choice emphasised the conflict between national sovereignty and global governance as well as the difficulties in obtaining universal consensus on matters of international importance.

Other issues, such as political unpredictability, economic injustice, and cultural disparities, can also impede the efficiency of international law in addition to these difficulties. For instance, it may be challenging to develop and uphold international legal norms in conflict-affected states due to the breakdown of governance institutions and the lack of functional legal frameworks.

Similar to this, economic disparity can significantly hinder the application of international law, especially in sectors like trade and banking. When it comes to navigating complicated legal frameworks and influencing the evolution of international law, wealthy states and multinational businesses may be better equipped to do so than poorer states and marginalised people.

Overall, international law faces complex and multidimensional challenges that call for concerted action by states and other parties. In order to achieve this, it may be necessary to improve the ability of international institutions to uphold legal standards, encourage a more widespread recognition of international law, and address the underlying economic, social, and political issues that contribute to violations of international legal standards. The international community may contribute to improve the rule of law and advance more peace, justice, and collaboration in the global system by working together to address these issues.

CASE STUDIES

- 1. The Genocide Convention:** The 1948 United Nations adoption of the Genocide Convention serves as an illustration of how international law has been applied to human rights concerns. According to the Convention, a national, ethnic, racial, or religious group is destroyed in whole or in part when a genocide is committed. It mandates that member nations work to avert genocide, punish those who commit it, and hold offenders accountable. In several high-profile instances, including the trial of the former

president of Yugoslavia Slobodan Milosevic for war crimes perpetrated during the Balkan Wars of the 1990s, the Convention has been used.^{xv}

2. **The Kyoto Protocol:** The 1997 adoption of the Kyoto Protocol serves as an illustration of how environmental protection issues have been addressed by international legislation. In order to mitigate climate change, the Protocol sets legally binding goals for wealthy nations to cut their greenhouse gas emissions. The Protocol has been widely embraced by other nations, despite the fact that the United States did not ratify it, and this has helped fuel a growing worldwide push towards greater environmental responsibility.^{xvi}
3. **The International Criminal Court** is an illustration of how international law has been applied to solve questions of accountability for transnational crimes. The International Criminal Court was formed by the Rome Statute in 1998. The Court has the authority to bring charges against people for genocide, war crimes, humanity crimes, and aggression. It has also presided over trials in a number of well-known cases, such as the one against former Congolese rebel leader Thomas Lubanga for enlisting child soldiers.^{xvii}
4. **The World Trade Organisation** is an illustration of how international law has been applied to trade-related matters. It was founded in 1995. In addition to promoting free trade and lowering trade barriers, the organisation is in charge of establishing and implementing international trade regulations. In many regions of the world, the organisation has played an important role in fostering economic growth and development.^{xviii}
5. **The Chemical Weapons Convention:** The 1993 adoption of the Chemical Weapons Convention serves as an illustration of how non-proliferation and disarmament challenges have been addressed through the practice of international law. The Convention forbids the development, acquisition, and deployment of chemical weapons and mandates that signatory nations destroy whatever stockpiles they currently possess. The Convention has assisted in reducing the use of chemical weapons significantly and has promoted global peace and security.^{xix}
6. **The 1982 adoption of the United Nations Convention on the Law of the Sea** serves as an example of how international law has been applied to address concerns regarding ocean governance. A outline for the management of marine resources is provided by the Convention, which also specifies guidelines for the usage and preservation of the

world's seas. The Convention has played a critical role in advancing sustainable fisheries management and safeguarding delicate maritime habitats.^{xx}

7. **The Rome Statute of the International Criminal Court:** The 1998 endorsement of the Rome Statute of the International Criminal Court serves as an illustration of how international law has been applied to solve difficulties pertaining to responsibility for crimes committed on a global scale. The International Criminal Court is made by the Statute, and it has the authority to try people for humanity crimes, genocide, and war crimes. A number of high-profile cases have been tried by the Court, including the trial of the former president of the Sudan, Omar al-Bashir, for war crimes and genocide committed in Darfur.^{xxi}
8. **The Convention on Biological Diversity:** The 1992 adoption of the Convention on Biological Diversity serves as an illustration of how concerns about biodiversity protection have been addressed through the usage of international law. The Convention lays out guidelines for the responsible use and protection of biological diversity and obliges signatory nations to create national action plans and biodiversity strategies. The Convention has proven crucial in advancing biodiversity preservation.^{xxii}

CASES PARTICULAR TO INDIA

India has been involved in several cases related to international law and global governance. Here are some examples:

1. **Kishenganga Arbitration:** In 2013, there was a disagreement between Pakistan and India over the development of a hydroelectric power station on Kashmir's Kishenganga River. The Indus Waters Treaty of 1960, which divided up the use of the Indus River system between the two nations, was allegedly violated by the project, according to Pakistan. India maintained that the Treaty permitted the project. The Permanent Court of Arbitration in The Hague arbitrated the issue, and in 2013 it found in India's favour.^{xxiii}
2. **Arbitration over the Chagos Marine Protected Area:** In 2015, the British Indian Ocean Territory, which included the Chagos Archipelago, declared a marine reserved area around it. Mauritius contested the decision, arguing that the formation of the protected area infringed on its claim to territorial sovereignty. In 2015, the Permanent Court of Arbitration in The Hague

issued a decision in favour of Mauritius following the filing of an arbitration complaint. The creation of the protected area had to be revoked by the UK.^{xxiv}

3. Two Italian marines on board the commercial tanker MV *Enrica Lexie* shot and killed two Indian fishermen in 2012 off the coast of Kerala. This incident is known as the "**Enrica Lexie Incident**." The incident gave rise to a disagreement between India and Italy on the case's jurisdiction. Italy maintained that the matter should be heard in Italian courts, but India asserted that it had the right to try the marines under international law. The Permanent Court of Arbitration in The Hague arbitrated the case, which resulted in a 2016 decision favouring Italy. The marines were given permission to go back to Italy and stand trial.^{xxv}

4. Vodafone Tax Dispute: In 2012, a multinational telecoms corporation named Vodafone engaged in a tax dispute with the government of India over its acquisition of the Indian telecommunications firm Hutchison Essar. While Vodafone stated that it was exempt from paying the taxes under Indian law, the Indian government asserted that Vodafone owed \$2.2 billion in taxes on the transaction. The Permanent Court of Arbitration in The Hague arbitrated the case, and Vodafone was declared the victor in 2020.^{xxvi}

The significance of international law in resolving conflicts between nations and other entities is illustrated by these cases. They also emphasise the importance of using international arbitration and other dispute resolution procedures to safeguard the fundamentals of the rule of law and global governance^{xxvii}.

These cases demonstrate the importance of international law in resolving disputes between states and other entities. They also highlight the role of international arbitration and dispute resolution mechanisms in upholding the principles of global governance and the rule of law.

ANALYSIS

International law is essential to global governance because it offers a framework for state collaboration and advances the rule of law globally. This has been accomplished through the establishment of numerous legal tools, such as treaties, common law, and customary international law. These legal sources are founded on the idea of sovereign equality, which holds that in international law, all governments are equal and have the same duties.

Positivism, realism, and constructivism are among the theoretical stances on the function of international law in global government. Realists consider international law as a tool used by states to further their interests, in contrast to positivists who see it as a set of norms developed by governments. Conversely, constructivists see international law as the outcome of social interaction and norms.

While international law promotes the rule of law and offers a framework for collaboration, it nonetheless faces many difficulties in the current world. These difficulties include the fact that international law is not universally recognised, the lack of a global government, and conflicts between national sovereignty and global governance. Due to the difficulties, there are few enforcement mechanisms in place, which makes it difficult to hold states responsible for breaking international law.

Despite these difficulties, international law has been used to tackle a number of world problems, such as trade, environmental protection, and human rights. For instance, the Kyoto Protocol has been used to reduce climate change, while the Genocide Convention has been used to hold people accountable for crimes against humanity. Individuals have been charged with war crimes by the International Criminal Court, and free trade and economic growth have been supported by the World Trade Organisation.

The Chemical Weapons Convention, which has helped to significantly reduce the use of chemical weapons, and the United Nations Convention on the Law of the Sea, which has established guidelines for the use and protection of the world's oceans, are two additional examples of how international law is used. The International Criminal Court's Rome Statute has been used to prosecute people for crimes against humanity and war crimes, while the Convention on Biological Diversity has pushed for the preservation of biodiversity.

In general, international law is essential to global government because it offers a framework for collaboration and advances the rule of law globally. International law has been utilised to handle numerous global issues and advance global peace and security, despite numerous obstacles.

CONCLUSION

Moving on to the conclusion, international law has had a substantial impact on global governance by strengthening the rule of law globally and providing a legal foundation for collaboration between states. International law has been utilised to handle a number of global issues like human rights, environmental protection, and trade despite obstacles like lack of universal acceptability, the lack of a worldwide government, and conflicts between national sovereignty and global governance. These illustrations show how international law can support the advancement of global peace and security. Therefore, it is crucial to keep creating and enhancing global legal frameworks in order to handle the problems that the world is currently facing.

RECOMMENDATIONS FOR FUTURE RESEARCHERS

Future researchers may think about looking into the following topics if they are interested in the function of international law in global governance:

1. The effect of cutting-edge technologies, such blockchain and artificial intelligence, on the making and usage of international law.
2. Regional approaches to international law, including those of the African Union and the European Union, and the potential and challenges they bring.
3. The influence of non-state players on the creation and application of international law, including civil society organisations and multinational companies.
4. The efficiency of international law in addressing fresh and developing global issues including pandemics, cyberattacks, and climate change.
5. The effects of current international legal developments, such as the acceptance of the Global Compact for Safe, Orderly, and Regular Migration and the implementation of the Treaty on the Prohibition of Nuclear Weapons.
6. The function of international courts and tribunals in upholding compliance with international law and encouraging answerability for its transgressions.
7. The effect of geopolitical changes, such as China's ascent and America's fall, on the creation and application of international law.

8. Future researchers can contribute to a better knowledge of the function of international law in global governance as well as the difficulties and opportunities the international legal system faces in the twenty-first century by exploring these and other themes.

Future researchers can contribute to a better understanding of the function of international law in global governance as well as the difficulties and opportunities the international legal system faces in the twenty-first century by exploring these and other themes.

ENDNOTES

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