**Security Council**

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**The question of international law being applied equally across all nations.**

***I. introduction***

International law isn't one official big book of laws nor is it enforced by an international police. Cases are not heard by a single court, international law is more complicated than it may seem. International law is a set of agreements and customs that *most countries follow most of the time*. These agreements cover the rights and duties of nations about things like war , human rights, trade and diplomacy. They can be in the form of treaties; written agreements that countries sign like a contract or they can be what law calls *“customs”,* these are principles and ideas that many already follow.

The famous internationally known definition for international law is as follows “ the body of rules and principles of action which are binding upon civilized States in their relations with one another”.

The absence of a global police force or army to enforce legal conformity is the major weakness of international law. States are free to disregard laws and agreements. International law's value of compliance is based on national self-interest. Another state may breach the rules if one state does.

There are four main sources of international law as identified in article 38 of the Statue of the International Court of Justice :

1. **International conventions :**

Treaties are the common name for international agreements. Treaties are formal agreements in writing between States that are under the purview of international law. Agreements, conventions, covenants, protocols, and exchanges of notes are some other names for treaties. States frequently use the term "Memorandum of Understanding" and specify that it is not subject to international law when they want to engage into a written agreement that is not meant to be a treaty.

Bilateral, multilateral, regional, and international treaties are all possible.The Vienna Convention on the Law of Treaties, adopted in 1969, provides the fundamental rules of treaty law, the steps required for a treaty to become enforceable and enter into force, the penalties for breaching a treaty, and guidelines for interpreting treaties.

Pacta sunt servanda, which implies every treaty in effect is obligatory upon the parties to it and must be executed by them in good faith, is the fundamental premise guiding the law of treaties. Treaties only have legal force on the States parties, which is another crucial premise. Without their permission, they are not enforceable by third States. However, it may be conceivable for any or perhaps all of the four articles of a multilateral, regional, or international convention to enter into force as principles of international law that apply to all States.

The majority of the important areas of international law are now covered by global treaties. They are often accepted for signing after being adopted at a global convention. Treaties are occasionally identified by the location and year of adoption, such as the Vienna Convention of 1969. When a State signs one of these treaties, it agrees to refrain from acting in a way that would undermine the pact's goals and purposes. However, the State is not legally obligated by the treaty.

When a State submits an instrument of accession or ratification to the treaty's official repository, it declares its agreement to be bound by its terms. A State delivers an instrument of ratification when it signs an international treaty. When a State desires to join an international agreement but is not a signatory, it sends an instrument of accession. The two papers have the same legal impact. A treaty typically comes into effect once a predetermined number of States have ratified or acceded to it, indicating their willingness to be bound by it. A State is said to be a party to a treaty once it has formally agreed to be bound by it and entered into effect.

According to the general rule, a treaty must be construed in good faith in accordance with the usual interpretation that should be given to its contents in light of both its intent and purpose as well as their context. In the case of ambiguity, the travaux préparatoires, or the treaty's preparation and conditions of conclusion, offer an additional way of interpretation.

1. **International customs :**

(similar to verbal contracts) International custom, often known as customary law, is proof of a common practice that has been established as law by consistent and essentially uniform usage across States throughout time. All States are bound by the rules of international customary law. The burden of proof rests with the State asserting the existence of a rule of customary law by demonstrating a consistent and essentially uniform practice among States, especially those States specifically impacted by the rule or having the greatest interest in the subject. For instance, one might specifically look at the practice of States that have operations in space to assess State practices on military uses of space. Additionally, in the majority of ICJ cases, the States that participate in the claimed customary practices must do so out of a commitment to uphold the law, or *opinio juris*, rather than out of comity or for political objectives.

Theoretically, *opinio juris* poses a significant barrier to the recognition of a norm as custom since it is so difficult to gather proof of the justification for a State's adoption of a certain practice. However, in practice, the Court frequently determines the presence of a rule of customary law if a specific practice or use is common and the opposing party has not established any contrary State practice. It occasionally appears to presume that *opinio juris* was met and occasionally forgets to bring it up.

1. **General principles of law recognized by civilized nations :**

A third source of law is frequently mentioned as being the universal rules of law accepted by civilized nations. These are universal rules that are relevant to all significant legal systems. As an illustration, consider the idea that those who purposefully do harm to others should be required to make amends.

When a treaty clause or unambiguous customary law rule is absent, general principles of law are often used. These are not open to appeal or challenge. These include the use of force except in self defense, good faith and impartiality of judges.

1. **Judicial decisions and the teachings of the most highly qualified publicists:**

The law of a nation as a determination for international law. Domestic courts may play a subsidiary role in helping determine the rules of international law. It also includes scholarly writing on international law as a source of determination.

***II. Facts on the United states of America breaching international laws :***

The United States, who takes pride in being the world's superpower, routinely refers to itself as the "defender of international law," holds other nations accountable, and imposes arbitrary penalties on them under the guise of defending global norms.

In reality, though, the United States prioritizes its own political interests and national law over international law. The self-righteous nation changes like a weathercock, breaking international agreements voluntarily and leaving international organizations.

Under the guise of democracy and human rights, Washington persistently meddles in the internal affairs of other nations, brazenly launches wars to infringe upon their sovereignty, brazenly challenges the international order, and seriously jeopardizes global security.

The United States' actions gravely breached international law, particularly the UN Charter. In reality, what the United States is really doing when it demands that other nations "abide by the rules" is pressuring them to submit to a world order that is dominated by the United States.

The United States is one of the nations with highest rates of violating international laws, whether it was interference in other nations’ internal affairs, violating other nation’s sovereignty or unilateral bullying and sanctions in pursuit of supreme domination and many more. To read more about this please visit the link attached below.

<http://www.xinhuanet.com/english/2021-04/20/c_139893941.htm>

***III. Focused overview of the issue:***

Public international law and private international law are the two branches of the body of law known as international law, which deals with the norms and interactions between sovereign nations, international institutions, and international relations.

There are 3 major bodies of public international law and these are:

1. The heads of state and the bodies involved in foreign policy in government (ministry of foreign affairs, state departments, military).
2. Intergovernmental organizations (igo’s) such as the UN and EU.
3. Subject oriented organizations ( UNESCO, WHO, International Monetary Fund, International Civil Aviation Organization).

The question remains, is international law applied equally across all nations? Not all countries follow international laws, for instance some governments believe that international law clashes with their national interests hence they don't follow it.if a country doesn't like a certain law, it can simply decide to not abide by that law, this makes holding nations accountable for their actions extremely difficult considering the fact that there is no global police force or an international prison for nations.

North korea for example withdrew from a treaty prohibiting nuclear weapons in the year 2003 because the government claimed that acquiring nuclear weapons was a necessity for the country’s defense system. The times where country’s sacrificed their own national interests to abide by international laws and treaties are very rare and nearly non-existent.

There are three main reasons as to why nations would violate international law and not abide by it; as previously mentioned their national interests, the law might prevent the nation from pursuing specific goals. Second reason is sovereignty; the law may prevent the nation’s ability to control its borders. The third main reason is discrimination as a law may unfairly target a nation.

***IV. The united nations and security council***

International law is a separate body of law that operates independently from the judicial systems of certain governments. In some ways, it varies from domestic legal systems. For instance, although appearing to be legislative and consisting of delegates from almost 190 nations, the United Nations (UN) General Assembly lacks the authority to enact legally enforceable regulations. Except in certain circumstances and for specific purposes within the UN system, such as establishing the UN budget, admitting new members to the UN, and, with the help of the Security Council, electing new judges to the International Court of Justice (ICJ), its resolutions merely serve as recommendations.

Additionally, international law lacks a system of tribunals with broad authority. The agreement of the specific governments involved is the basis for the ICJ's jurisdiction in contested matters. There is no ultimate executive power, no global police force, and no complete system of law enforcement. Only in certain and restricted circumstances—basically, there must have been an earlier act of aggression or the threat of such an act—can the UN Security Council authorize the use of force to compel governments to comply with its decisions. Any of the five permanent members of the council—China, France, Russia, the United Kingdom, and the United States—can also veto any such enforcement measure. Because there is no standing UN military, the forces involved must be assembled from member states on an ad hoc basis.

The judges of the International Court of Justice (ICJ), which has its headquarters in The Hague, are chosen by the UN General Assembly and Security Council. They are in charge of settling legal disputes between the 193 members of the UN concerning matters such as property rights, use of force, and diplomatic relations, among other things.

Additionally, the ICJ is not always able to carry out its judgments. The court was invited by the UN General Assembly in 2003 to determine whether the occupation’'s building of a wall next to the occupied West Bank was illegal under international law. The International Court of Justice (ICJ) deemed the wall to be unlawful and ordered the occupation to halt construction in only a few months—a startlingly swift judgment for a court that often takes years to make verdicts. The occupation’s government, however, disregarded the court's ruling and finished building the wall, arguing it was required for defense and casting doubt on the competence of the international tribunal. When nations disobey ICJ judgements, the court may request that the UN Security Council decide what action should be taken. However, in the case of the wall, the US, a permanent member of the UN Security Council with the authority to veto any resolution, supported the illegal occupation, protecting it from any consequences for its conduct.

***V. Explanations to why some nations violate international law:***

There are several instances where an act that ordinarily would be against international law does not make the state responsible.

However, IHL and international human rights law (IHRL) infractions are not covered by these exclusions because they both outline minimal standards of protection. Exceptions are not allowed since doing so would jeopardize the integrity of IHL and IHRL as a whole.

Other circumstances, such as those involving consent, self-defense, or necessity, may give rise to exceptions (ILC, Articles 20–26):

* Consent : It is conceivable for one state to agree to another's breach of international law in some situations. A state could, for instance, let another state to utilize its airspace or waterways without considering the invasion to be hostile.
* Necessity : If a state's potentially illegal action was necessary to protect an important interest from a grave and immediate threat and did not harm another vital interest, the state is not in violation of its international responsibilities.
* Self-defense : If a state acted in self-defense, it cannot be held accountable. Article 51 of the UN Charter lays forth the conditions under which the use of force may be justified.

***VI. Some questions to answer while researching***

1. Does my country follow international law?
2. In what cases has my country abused its right in veto regarding international law violations? (p5 countries only)
3. How can international law be applied equally across all nations REALISTICALLY?
4. What are all the solutions that have failed already and why have they failed?
5. Is my country willing to abide by international laws and treaties?
6. Has my country ever been subject to a case regarding violations of international law in the international court of justice?

***VII. Useful links***

1. <https://world101.cfr.org/understanding-international-system/global-governance/what-international-law#:~:text=Countries%20do%20not%20follow%20certain,clash%20with%20their%20national%20interests>.
2. <https://intlaw.co.uk/brief-introduction-to-international-law#:~:text=International%20law%20is%20the%20body,individuals%20(private%20international%20law)>.
3. <https://www.ilsa.org/Jessup/Jessup%20Competitor%20Resources/intlawintro.pdf>
4. <https://www.ilsa.org/Jessup/Jessup%20Competitor%20Resources/intlawintro.pdf>
5. <https://world101.cfr.org/understanding-international-system/global-governance/what-international-law#:~:text=Countries%20do%20not%20follow%20certain,clash%20with%20their%20national%20interests>.
6. <https://media.un.org/en/asset/k1n/k1nrv1tcw6>
7. <https://openyls.law.yale.edu/bitstream/handle/20.500.13051/1394/Why_Do_the_Nations.pdf?sequence=2>
8. <https://blog.ipleaders.in/consequences-of-violation-of-international-law/>
9. <https://www.un.org/en/genocideprevention/war-crimes.shtml#:~:text=Some%20examples%20of%20prohibited%20acts,charitable%20purposes%2C%20historical%20monuments%20or>
10. <https://www.un.org/en/global-issues/international-law-and-justice>