INTERNATIONAL LAW AND MUNICIPAL LAW (5-Page Detailed Explanation)

1. INTRODUCTION International Law is the body of rules governing relations between sovereign states and international organizations. It promotes peace, cooperation, human rights, and global order. Municipal Law, also known as Domestic or National Law, is the law within a state that governs individuals, institutions, and authorities. It ensures justice, order, and regulation of economic, social, and political affairs.

Understanding their relationship is key in Public International Law-I because states must implement international commitments domestically.

2. INTERNATIONAL LAW Sources: • Treaties and Conventions (e.g., UN Charter). • Customary International Law (state practice accepted as law). • General Principles (recognized by civilized states). • Judicial Decisions (ICJ). • Scholarly Writings.

Functions: • Maintain peace and international security. • Regulate diplomatic and consular relations. • Protect human rights. • Govern seas, environment, trade, and aviation. • Provide peaceful dispute settlement mechanisms.

3. MUNICIPAL (DOMESTIC) LAW Sources: • Constitution • Legislation • Executive Orders • Judicial Precedents

Functions: • Protect rights and duties of citizens. • Maintain internal law and order. • Regulate trade, economy, and social relations. • Administer justice through courts.

Municipal Law is enforceable through police, courts, and administrative bodies.

4. DIFFERENCES BETWEEN INTERNATIONAL AND MUNICIPAL LAW • **Source:** International Law comes from state agreements; Municipal Law comes from national legislatures. • **Subjects:** International Law binds states; Municipal Law binds individuals. • **Enforcement:** International Law lacks centralized enforcement; Municipal Law uses courts and police. • **Nature:** International Law is consent-based; Municipal Law is obligatory. • **Sanctions:** International Law uses diplomatic/economic sanctions; Municipal Law uses imprisonment/fines. • **Scope:** International Law governs global matters; Municipal Law governs internal affairs. • **Development:** International Law evolves slowly; Municipal Law evolves quickly. • **Judicial System:** International courts vs. national courts.

5. THEORIES ON THEIR RELATIONSHIP

A. MONISM • International and Municipal Law are part of a single legal system. • International Law is superior and automatically applies. • Advocated by Hans Kelsen. • Countries like Netherlands follow monism.

B. DUALISM • Both systems are separate. • International Law requires transformation into domestic legislation. • Followed by Pakistan, India, UK. • Advocates: Triepel, Anzilotti.

C. TRANSFORMATION THEORY • International obligations become domestic law only after legislative transformation.

D. INCORPORATION THEORY • Customary International Law is automatically part of domestic law unless contradicted.

E. DELEGATION THEORY • Constitution gives domestic organs power to adopt International Law.

F. SPECIFIC ADOPTION THEORY • Only specific treaties become domestic law.

6. IMPORTANCE OF RELATIONSHIP IN PUBLIC INTERNATIONAL LAW-I • Ensures state compliance with international obligations. • Helps integrate treaties and global commitments domestically. • Avoids conflict between internal law and international duties. • Strengthens protection of human rights. • Supports foreign policy and diplomatic relations. • Enhances global cooperation on trade, environment, and peace. • Empowers courts to interpret laws using international principles.

7. CASE LAWS • **Vishaka v. State of Rajasthan (India, 1997):** Court applied CEDAW norms in absence of domestic law. • **Paquete Habana (USA, 1900):** Customary International Law recognized as part of U.S. Law. • **Trendtex (UK, 1977):** Customary International Law applied directly in domestic courts. • **Human Rights Act 1998 (UK):** ECHR incorporated domestically. • **Pakistan:** Treaties require parliamentary approval (dualism).

8. CONCLUSION International and Municipal Law serve different purposes but remain interconnected. Theories like monism and dualism explain how states integrate international commitments. Understanding their relationship is essential to ensure harmonization between global obligations and domestic sovereignty, a core concept in Public International Law-I.