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Assignment

Relationship Between International Law and Municipal Law

Public International Law

Introduction

Public International Law is the body of rules that governs the relations between states, international organizations, and, in some cases, individuals. Every state has its own internal legal system, known as municipal or domestic law. The interaction between these two systems is essential because states must follow international obligations while maintaining internal order.

Meaning of International Law

International law consists of rules and principles created by treaties, customs, and general legal principles to regulate the conduct of states and international organizations. It promotes peace, cooperation, diplomacy, and justice.

Meaning of Municipal Law

Municipal law refers to the national or internal law of a state. It includes the constitution, statutes, regulations, and judicial decisions governing individuals and institutions within the state.

Differences Between International and Municipal Law

- Regulates relations between states vs regulates individuals within a state.
- Based on treaties and customs vs based on constitution and legislation.
- Decentralized vs centralized.
- Enforcement depends on consent vs compulsory enforcement.

- Applies globally vs applies within state boundaries.

Relationship Between International Law and Municipal Law

1. Monism
International and municipal law form a single legal system. International law automatically becomes part of domestic law and prevails in case of conflict.

2. Dualism
International and municipal law are separate systems. International law applies only after domestic legislation. Municipal law prevails internally.

Application in Pakistan

Pakistan follows the dualistic approach. International treaties do not automatically become part of Pakistani law unless Parliament incorporates them through legislation.

Conflict Between International and Municipal Law

Conflicts arise when domestic law contradicts international obligations. In such cases, a state remains responsible internationally but domestic courts may apply municipal law.

Case Laws

1. Paquete Habana Case (1900) – Recognized customary international law as part of national law.

2. Asma Jillani Case (1972) – Supreme Court of Pakistan applied rule-of-law principles influenced by international law.

Conclusion

Understanding the relationship between international and municipal law is crucial for maintaining global order and domestic justice. Countries like Pakistan adopt a dualistic approach, requiring legislation to implement international rules.