Topic:

International Law and Municipal Law under Public International Law

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Submitted by:

M Aamir Arshad

Submitted to:

Prof. Aamna Anam

International Law and Municipal Law Under Public International Law

Introduction

Public International Law governs the relations between states, international organizations, and individuals. One of the key areas within this field is the interaction between International Law and Municipal (Domestic) Law. Although these systems function at different levels, they frequently intersect, especially in the implementation of treaties, human rights, and international obligations.

Meaning of International Law

International Law consists of rules and principles governing the conduct of states and international bodies. It draws authority from treaties, customary law, general principles, and judicial decisions. Its primary purpose is to promote peaceful coexistence, cooperation, and global stability. Examples include the UN Charter and Geneva Conventions.

Meaning of Municipal Law

Municipal Law refers to a state's internal legal system, including constitutional, statutory, administrative, and judicial rules. It governs individuals, institutions, and governmental functions within the state's territory. It reflects national values and political structures, ensuring justice and legal order domestically.

Relationship Between International Law and Municipal Law

The relationship between these systems is significant for implementing treaties and fulfilling global obligations. States often need to harmonize domestic law with international commitments. Conflicts may arise when national laws contradict international duties, requiring specific legal approaches for resolution.

Theories Explaining Their Relationship

1. Monism

Monism argues that international and municipal law form a single legal system. International law automatically becomes part of domestic law, and courts may directly apply it. In cases of conflict, international law often takes precedence.

2. Dualism

Dualism holds that international and municipal law are separate. International obligations must be incorporated into domestic law through legislation before they can be applied by national courts. Thus, a treaty is not enforceable internally unless transformed into national law.

Conclusion

Understanding the relationship between International Law and Municipal Law is essential for ensuring that states meet both global and domestic obligations. Whether through monist or dualist approaches, harmony between these systems is crucial for justice, human rights protection, and international cooperation.