Lahore Leads University

Department of Law

Assignment : International Law and Municipal Law

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Assignment on International Law and Municipal Law

1. What is International Law?

International law is the body of rules and principles that governs the relations and interactions between sovereign states and other international actors such as international organizations. It regulates issues like diplomacy, war, trade, human rights, and the environment. According to Oppenheim, 'International law is the body of customary and conventional rules which are considered legally binding by civilized states in their intercourse with each other.'

2. What is Municipal Law?

Municipal law, also known as domestic or national law, refers to the internal law of a particular country. It governs the conduct of individuals and legal entities within the state's boundaries. According to Austin, 'Municipal law is a rule laid down for the guidance of an intelligent being by an intelligent being having power over him.'

3. Difference between International Law and Municipal Law

International Law	Municipal Law
It governs relations between states and international entities.	It governs relations between individuals and the state.
Its source is international treaties, customs, and general principles.	Its source is the constitution, statutes, and judicial decisions.
It lacks a central authority for enforcement.	It is enforced by the courts and institutions of the state.
It deals with external affairs.	It deals with internal or domestic matters.

4. Branches of International Law

There are two main branches of international law:

1. Jus Gentium (Law of Nations): It refers to the law that governs the conduct of states in their mutual relations.
2. Jus Inter Gentes (Law Between Nations): It relates to the treaties, agreements, and conventions made between states.

5. Theories Regarding the Relationship between International and National Law

1. Monistic Theory: This theory believes that both international and national laws form a single legal system. International law is superior and automatically becomes part of domestic law without the need for separate legislation.

2. Dualistic Theory: According to this theory, international law and municipal law are two separate systems. International law must be transformed into national law through legislation before it can be applied within a state.

3. Delegation Theory: It states that international law becomes applicable within a state only when the national legal system delegates authority for its implementation.

4. Transformation Theory: This theory suggests that international law does not automatically become part of domestic law; instead, it must be transformed through an act of the legislature.

5. Harmonization Theory: This theory emphasizes the coordination and consistency between international and national laws to avoid conflict and ensure smooth coexistence.

Conclusion:

Both international and municipal laws play vital roles in maintaining order at different levels. While international law maintains harmony among states, municipal law ensures peace and justice within the state. The relationship between the two depends on how a state recognizes and applies international rules within its domestic framework.