INTERNATIONAL LAW AND MUNICIPAL LAW RELATION B/W THEM AND ALSO THEORY OF IL AND MUNICIPAL LAW

International law (IL) and Municipal law are two distinct legal systems that operate at different levels. Here's an overview of their relationship and the theories surrounding them:

WHAT IS INTERNATIONAL LAW?

International law is a **set of rules and agreements** that govern the relations between states, international organizations, and other entities. It's concerned with issues like trade, diplomacy and conflict resolution.

It covers areas like:

- ✓ **Human rights**
- ✓ **War and peace**
- ✓ **Trade treaties**
- ✓ **International crimes**

It is **created by treaties, customs, and leagal principles** accepted by nations.

WHAT IS MUNICIPAL LAW?

Municipal law (also called **Domestic or National Law**) is the law of a particular country or jurisdiction. It deals with the relationships between individuals, organizations, and the state.

It includes:

- ✓ **Constitutional law**
- ✓ **Criminal law**
- ✓ **Civil law**
- ✓ **Administrative law**

It applies **within a country** and governs individuals, institutions, and government actions.

RELATIONSHIP BETWEEN INTERNATIONAL AND MUNICIPAL LAW

The relationship between IL and Municipal Law is complex, and there are different theories explaining how they interact:

1.Dualism: This theory posits that IL and Municipal Law are separate and distinct systems. IL applies to state, while Municipal Law applies to individuals and domestic entities. To apply IL in a domestic context, it needs to be incorporated into Municipal Law through legislation or judicial decisions.

2.Monism: This theory considers IL and Municipal Law as part of a single, unified system. IL is seen as a superior, and Municipal Law is subordinate to it. In case of conflicts, IL prevails.

3.Both are **legal systems**, but one works **globally** and the other **within a country**.

4.When international law and national law **conflict,** countries must choose **how to apply international law** within their domestic systems.

THEORIES EXPLAINING THEIR RELATIONSHIP

Some key theories explaining the relationship between IL and Municipal Law include:

1.Transformation Theory: This theory states that IL rules are **not automatically** part of Municipal Law. Instead, they need to be transformed into domestic law through legislative or judicial action.

2.Adoption theory: According to this theory, IL rules **are automatically** incorporated into Municipal Law, unless there's a conflicting domestic law.

3.Incorporation theory: This theory suggests that IL is Law **a part of Municipal**, but only to the extent that it's **not inconsistent** with domestic law.

4.Dualist theory: This theory says international law and Municipal are **separated**. IL must be **translated into national law** through legislation. Eg: A treaty needs approval by Parliament to become enforceable.

5.Monist theory: This theory says international law and Municipal law **are part of one system**. IL can be **directly applied** in the country without extra laws. Eg: Human rights treaties become law without needing new local news.

Pakistan`s Approach

In Pakistan:

- ✓ International treaties and conventions are not automatically part of domestic law.
- ✓ They need to be incorporated through legislation or judicial decisions.
- ✓ Courts may apply IL principles and rules when interpreting domestic law or resolving disputes.

APPLICATIONS AND IMPLICATIONS

The relationship between IL Municipal Law has significant implications for how laws are **applied and enforced**. In Pakistan, for instance, international treaties and conventions are **not automatically** part of domestic law. They need to be incorporated through legislation or judicial decisions.

CONCLUSION

The relationship between international and municipal law depends on a country's **legal system and approach.** Understanding both is important for global peace, justice, and cooperation between states.