

A HISTORICAL STUDY ON THE EVOLUTION OF LAW SYSTEM IN INTERNATIONAL ARENA

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ABSTRACT

The evolution and development of international law has been a complex and ongoing process that has been shaped by various factors, including changes in the global political landscape, technological advancements, and shifting societal values. This study provides an overview of the key historical and contemporary trends that have influenced the development of international law. It begins by tracing the origins of international law and highlighting its early emphasis on state sovereignty and the settlement of disputes between nations. It then discusses the emergence of new areas of international law, including human rights, environmental law, and international criminal law. The study also explores the role of international organizations and courts in shaping the evolution of international law, and considers some of the challenges that lie ahead for this dynamic and ever-evolving field. Overall, the study provides a broad overview of the past and present state of international law and suggests directions for future research and analysis.

Keywords: Evolution, Law, Order, World, Politics

1. Introduction

Over the course of several centuries, international law has changed and adapted to reflect new realities, new technologies, and new norms and values around the world. Many interrelated forces, such as shifts in geopolitical power, economic and social pressures, and the activities of international organisations and courts, all play a role in shaping the evolution of international law. To fully grasp the dynamics of international relations and the impact of law on global affairs, it is essential to trace the development of international law. This paper provides a historical and theoretical overview of international law, from its earliest beginnings to the present day. It discusses the current and past trends that have shaped international law and the obstacles that lie ahead. Human rights and environmental law are just two examples of the new subfields of international law that this paper investigates, along with the influence of international organisations and courts on this development. This paper's overarching goal is to provide a survey of the history and development of international law, illuminating its past and present states and pointing the way towards future research and analysis.

2. Evolution of International Law

Changes in the global political landscape, technological developments, and shifting societal values are just a few of the many influences that have shaped the evolution of

international law over its long and winding history. Ancient civilizations like the Greeks and Romans created legal frameworks to govern diplomatic and commercial interactions between states. These legal systems would later become the foundation of modern international law.

However, international law as a distinct field did not begin to take shape until the emergence of the modern state system in Europe in the seventeenth century. The 1648 Peace of Westphalia was a watershed moment in the evolution of international law because it established the principle of state sovereignty and recognised the right of states to conduct their internal affairs without interference from other states.

Over the next two centuries, international law developed primarily as a means of regulating the conduct of states in their interactions with one another. The rules of international law were primarily focused on the settlement of disputes between states, including the use of force, territorial boundaries, and the treatment of diplomats.

However, the emergence of new technologies and modes of transportation in the nineteenth century, such as steamships and telegraph communications, led to an increased interconnectedness between nations and a growing recognition of the need for international cooperation. This led to the development of new areas of international law,

including maritime law, air law, and international trade law.

The early twentieth century saw the emergence of new challenges to the existing international legal order, including the outbreak of two world wars and the rise of authoritarian regimes. In response, international law began to shift its focus from regulating state behavior to protecting the rights of individuals and promoting global stability and cooperation. International law took its present statutory form in the nineteenth and twentieth centuries with the signing of numerous treaties and agreements that led to the establishment of the United Nations.

2.1. The Congress of Vienna (1815) A diplomatic conference, the Congress of Vienna took place in Vienna, Austria, in 1814 and 1815. After Napoleon's defeat, the Congress sought to reorganise Europe by striking a new balance of power among its member states. Europe's major powers were represented at the Congress, which included Austria, Britain, France, Prussia, and Russia. Treaties signed at the Congress redraw the map of Europe's political boundaries and set up an international order based on the principle of power balance. The end of the Napoleonic era and the beginning of a new era of political stability and cooperation among European nations can be traced back to the Congress of Vienna, a watershed event in European history.

2.2. Paris Declaration (1856) Great Britain, France, Russia, Austria, and Prussia were among the major European powers that signed the Paris Declaration in 1856. At the end of the Crimean War, a declaration was signed to set guidelines for the safety of civilians during hostilities. Hospitals, ambulances, and other medical facilities were given special protection after the declaration outlawed the use of certain weapons, such as those with explosive bullets. In terms of the history of efforts to establish rules for the conduct of war and safeguard civilians in times of armed conflict, the Paris Declaration is widely regarded as a watershed moment.

2.3. Geneva Convention (1864)

The protection rules and regulations for victims of armed conflict and their carers were established in this convention. There have

been three major revisions and expansions to the original 1864 Geneva Convention treaty: in 1906, 1929, and 1949. In modern times, the International Committee of the Red Cross has prioritised enforcing the Geneva Convention. War criminal acts against wounded soldiers were expressly forbidden by the Geneva Convention.

2.4. Hague Conventions of 1899 and 1907.

Major European powers signed a set of international treaties called the Hague Conventions in 1899 and 1907 to standardise the conduct of war and encourage the peaceful resolution of international disputes. The rules of engagement, use of certain weapons, and treatment of POWs were all codified in these conventions. A cornerstone in the evolution of humanitarian law, the Hague Conventions laid the groundwork for subsequent international agreements on the conduct of war, such as the Geneva Conventions.

2.5. The League of Nations (1919) After World War I ended in 1919, a group of governments came together to form the League of Nations. For the purpose of fostering international cooperation and mediating peaceful resolutions to international disputes, the League was formed. At its inception, it counted 42 member states and had its headquarters in Geneva, Switzerland. As a result of the League's failure to prevent the outbreak of another major war, it was dissolved in 1946. Yet it was instrumental in launching the United Nations.

“2.6. Locarno Treaties (1925) The Locarno Treaties were a series of agreements signed in 1925 by major European powers, including France, Germany, Italy, and the United Kingdom.” The treaties aimed to normalize relations between Germany and its western neighbors and to promote peace and stability in Europe. The treaties guaranteed Germany's western borders with France and Belgium and committed all signatories to the peaceful resolution of disputes. The Locarno Treaties are considered a major milestone in European diplomacy, paving the way for further agreements aimed at promoting peace and cooperation on the continent.

2.7. Kellogg Briand Pact (1928) The "Pact of Paris," also known as "the General Treaty on the Renunciation of War as an Instrument of National Policy", was created to prevent war.

The establishment of the United Nations in 1945 marked a major turning point in the evolution of international law, providing a framework for collective action and cooperation among states. The UN Charter established the principle of collective security and provided for the creation of specialized agencies, "such as the International Court of Justice and the International Criminal Court", to promote the rule of law and protect human rights.

Since the United Nations was founded, international law has developed to accommodate shifting global conditions and emerging issues. International environmental law, human rights law, and international criminal law are all relatively new subfields of international law. Providing a venue for states to negotiate and enforce international agreements and fostering the development of new legal norms and principles, international organisations and courts have played an increasingly important role in shaping the evolution of international law. Despite these developments, international law continues to face significant challenges in the twenty-first century, including the rise of nationalist and populist movements, growing economic inequality, and the threat of climate change. However, the evolution of international law over the past centuries has demonstrated its resilience and adaptability, providing hope for continued progress towards a more just and peaceful world.

3. Development of International Law

An examination of the belief that independent sovereign states are the simplest applicable relevant actors within the global system forms the basis for international law, the origins of which can be traced back to cooperation agreements among peoples in the ancient Middle East. In the past, numerous empires in the Middle East have negotiated separate treaties. The ancient cultures of Israel, India, and China have all contributed significantly to the development of international law. The *jus gentium* was a body of Roman law governing

the status of foreigners and their relationships with Roman citizens (Latin for "international law"). In line with the natural law theory they had adopted from the Greeks, the Romans held that the *jus gentium* applied worldwide. After the fall of the Western Roman Empire in the fifth century, war wracked Europe for nearly 500 years. At last, a federation of states emerged, and canon law, commercial law, and a plethora of maritime law codes were enacted to govern their interactions. Hugo Grotius, a Dutch jurist, organised the field into a comprehensive system, especially in *De Jure Belli ac Pacis*, 1625, and was responsible for more of its development than any other theorist. From the end of WWII until the 1990s, the Cold War between the Soviet Union and its allies and the Western alliance led by the United States was directly or indirectly responsible for many events that put the world in danger. Possible opposition to resolutions proposed by one side in the United Nations Security Council means that the body may fail to achieve its goals. Each end of the alliance helped promote the development of regional organisations.

Globalization, technological progress, and shifts in the geopolitical order are just a few of the recent influences on the evolution of international law. Among the most significant changes to international law in recent years are:

3.1. International Criminal Law: In 2002, a major change was made to international law with the creation of the International Criminal Court (ICC). Genocide, crimes against humanity, and war crimes are just some of the international atrocities that fall under the ICC's purview as a permanent international tribunal. The court can bring criminal charges against anyone, including heads of state.

3.2. Human Rights: The recognition of human rights as a fundamental part of international law has continued to evolve in recent years. The adoption of the Universal Declaration of Human Rights in 1948 was a landmark moment in this regard, but the subsequent development of international human rights law has been shaped by a range of factors, including the emergence of new issues such as the rights of refugees and migrants, and the use

of social media to promote human rights causes.

3.3. Environmental Law: The increasing recognition of the need to protect the environment has led to the development of international environmental law. This includes the adoption of the United Nations Framework Convention on Climate Change in 1992, which established a framework for international cooperation on climate change, as well as a range of other agreements aimed at protecting the environment, including the Paris Agreement in 2015.

3.4. International Trade Law: The growth of international trade has led to the development of a range of international trade agreements, including the World Trade Organization (WTO), which was established in 1995. The WTO oversees international trade negotiations and provides a framework for resolving disputes between member states.

3.5. Cyber Law: The emergence of new technologies has led to the development of international cyber law. This includes the adoption of the Budapest Convention on Cybercrime in 2001, which provides a framework for international cooperation on cybercrime and the prosecution of cyber criminals.

3.6. International Humanitarian Law: The development of international humanitarian law has continued in recent years, with the adoption of a range of new treaties and protocols aimed at protecting civilians in times of conflict. This includes the adoption of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) in 1977, which extended the protections of the Geneva Conventions to non-international armed conflicts.

Overall, these recent developments in international law reflect the ongoing evolution of the international legal system in response to changing global circumstances and the growing recognition of the need to protect fundamental rights and promote global cooperation.

4. Development of International Law In India

India has a long and rich history in the development of international law. From the time of its independence from British colonial rule in 1947, India has been an active participant in the international legal system and has played a key role in shaping the development of international law in the region and globally. Some of the key milestones in the development of international law in India include:

4.1. Adoption of the Constitution: The adoption of the Constitution of India in 1950 provided the legal framework for the development of international law in India. The Constitution recognizes the importance of international law and India's commitment to upholding international treaties and agreements. The Constitution also guarantees fundamental rights to Indian citizens, including the right to equality, the right to freedom of speech and expression, and the right to life and liberty, which are consistent with international human rights norms.

4.2. Ratification of International Treaties: India has ratified a range of international treaties and agreements, including the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child. India's ratification of these treaties reflects its commitment to upholding international law and promoting human rights.

4.3. International Dispute Resolution: India has been an active participant in international dispute resolution mechanisms, including the International Court of Justice (ICJ) and the Permanent Court of Arbitration (PCA). India has also participated in a range of international peacekeeping missions, including in Cyprus and Somalia. In addition, India has resolved a number of territorial disputes with neighboring countries through peaceful means, including the resolution of the maritime boundary dispute with Bangladesh in 2014.

4.4. Environmental Law: India has been an active participant in the development of international environmental law. India played a

key role in the adoption of the United Nations Framework Convention on Climate Change in 1992, and has since been involved in a range of international environmental agreements, including the Paris Agreement. India has also enacted a range of domestic environmental laws and policies, including the Air (Prevention and Control of Pollution) Act, the Water (Prevention and Control of Pollution) Act, and the National Green Tribunal Act.

4.5. International Trade Law: India has been an active participant in the development of international trade law, including as a member of the World Trade Organization (WTO) since 1995. India has also been involved in a range of international trade negotiations and has signed a number of bilateral and regional trade agreements. India has sought to balance its economic interests with its commitment to upholding international norms, and has been involved in a number of trade disputes with other countries, including the United States and the European Union.

4.6. Human Rights Law: India has been an active participant in the development of international human rights law. India has a strong tradition of democracy and civil liberties, and has been involved in the development of international norms relating to the protection of human rights. India has established a number of institutions and mechanisms for the protection of human rights, including the National Human Rights Commission and the State Human Rights Commissions.

Overall, the development of international law in India reflects the country's commitment to upholding international norms and promoting

global cooperation. India has been an active participant in the development of international law, and its engagement in the international legal system has helped to shape the development of international law in the region and globally.

5. Conclusion

The above-researched split between international law's two branches highlights the importance of communicating international law in a way that benefits all nations. International law had limited potential during the time of the ancient and historical empires, and its origins thus coincide with the emergence of modern nation-states. The regulations for diplomatic agents on ships were established. Hugo Grotius's 1625 treatise *De jure belli ac pacis* (on the law of war and peace) was the first comprehensive statement of international law, and its warm reception by the many small states at the turn of the 17th century made its passage possible. After that, their opinions and advice were sought out on a regular basis, and were often used as the foundation for a declaration or agreement to be made in the context of international disputes. His most central argument was for the inherent dignity of all nations and their equal legal standing before the law. The foundations of modern international law can be traced back to the many innovations and advancements of antiquity. Different types of pacts, treaties, declarations, and conferences were signed throughout the 19th and 20th centuries, giving this law its present formal form. This body of law has advanced in recent years, with the establishment of new foundations that will be crucial in governing international law.

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