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جامعة البليدة 02
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English Courses

For Second-Year Master Students
3rd Trimester
Majoring in International Relations and international law

Prepared by
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Academic year : 2024/2025

Notice for Master's Students – International Relations and International Law Specialization

Students are required to consult international charters, treaties, and protocols that govern the conduct of international relations in order to develop a deeper understanding of the course content. Essential reference texts include, but are not limited to, the following:

- The United Nations Charter
- The Universal Declaration of Human Rights
- The Geneva Conventions relating to diplomatic and consular relations
- The Vienna Convention on Diplomatic Relations (1961)
- The Vienna Convention on Consular Relations (1963)

It is also highly recommended that students stay informed about current international events and developments, particularly those related to international law and its institutions. Using real-world examples and analyzing them is a crucial step toward understanding how legal principles are applied in political contexts. This approach helps bridge the gap between theoretical knowledge and practical application.

Course Syllabus:

Lecture N 1: Introduction to International law and international relations …….....

Lecture N 2: International Law and international relations, Two disciplines or one?
…….…….....

Lecture N 3: The evolution of international law……..……..…….....

Lecture N 4: State as international actor in international relations …….…….....

Lecture N 5: why do states sign international agreements and follow international rules? …….....

Lecture N 6: Humanitarian intervention…….…….....

Lecture N 7: The Legal Framework of humanitarian intervention in the UN Charter……..…….....

Lecture N 8: The Responsability to protect…….……....

Lecture N 9: Responsability while protecting……....

Lecture N 10: Responsible protection. …….....

Lecture N 11: International humanitarian law ……..…….....

Lecture N 12 When does international humanitarian law apply?.....

Lecture N 13: The future of IR and IL…….…....

Lecture N.14 : Concluding Notes ……....

Introduction :

This course offers an in-depth exploration of the dynamic and evolving relationship between international law (IL) and international relations (IR). It seeks to provide students with a foundational understanding of both disciplines, analyzing how they intersect, diverge, and influence one another in the contemporary global system.

Through a multidisciplinary approach, the course addresses key theoretical debates, legal principles, and political realities that shape the international order. It begins with an introduction to the core concepts and historical evolution of international law and international relations, progressing to examine the role of the state as a central actor, the reasons states commit to international agreements, and the influence of legal norms on global behavior.

Special focus is placed on contemporary issues such as humanitarian intervention, the responsibility to protect (R2P), and the legal framework guiding the use of force in international affairs. The course further explores the application of international humanitarian law (IHL), its scope, limitations, and the challenges it faces in modern conflicts.

By the end of the course, students will be equipped with the analytical tools necessary to assess the legal and political dimensions of global issues, understand the normative structures governing international behavior, and critically engage with the future trajectory of international law and international relations.

The General Objectives of the lecture:

Considering that political science in general and international relations in particular is an Anglo-Saxon specialty, the goal of teaching this subject is to introduce the student to this specialty in the English language, enable him to understand the most prominent variables related to the field of IR and IL, and stimulate his level of thinking and analysis in the English language. by learning about the concept of international law and international relations, and the extent to which the two fields relate to each other by presenting the most important problems revolving in this sub-field of knowledge.

Prior scientific knowledge:

It requires the student who previously studied international law and international relations to be able to understand the basic concepts in his specialty in a deeper way, which helps him understand the interrelationship between the fields of international law and international relations in the English language.

Target skills :

• Enabling the student to become familiar with various basic terms in the field of international law and international relations in the English language.

• Learn more precisely about new concepts in the field of international law and international relations.

• Read and analyze political phenomena in English.

• The ability to think and analyze in English.

Lecture N .01: International Law and international relations, Two disciplines or one?

In this lecture we will focus on basic concepts such us IR and IL, which can help the student to understand the general idea of this course.

1- The Concept of International Relations :

"International Relations is the study of relations among states and other actors in the international system, focusing on the causes of conflict and cooperation, the role of international institutions, and the principles governing global order"[1].

We find also this definition of IR which define it "as a field of political science that studies the interaction between nation-states, international organizations, multinational corporations, and transnational movements"[2].

So,"International Relations as a master's course focuses on theories of global politics, foreign policy analysis, international law, diplomacy, and the functioning of international organizations, preparing students for careers in diplomacy, NGOs, and academia"[3].

The main topics of research in IR are : international law, international politics, international economics, and the history of international relations. Under the term, it is usually designated the study of foreign affairs and the main problems of the international system : the role of the state, international organizations, non-governmental organizations (NGOs) and multinational companies. International relations is included in the fields of academia and politics. They can be studied either from a positivist perspective or from a normative

[1] - Morgenthau, Hans J. *Politics Among Nations: The Struggle for Power and Peace*. New York: Alfred A. Knopf, 1948. P.13

[2] -Nye, Joseph S., and David A. Welch. *Understanding International Conflicts: An Introduction to Theory and History*. Pearson Longman, 2013.

[3] - Jackson, Robert, and Georg Sørensen. *Introduction to International Relations: Theories and Approaches*. 6th ed. Oxford University Press, 2016. P.1.

perspective, both seeking to analyze and formulate international policies of states [4] .

International Relations from academic perspective:

International relations is a branch of political science concerned with the study of phenomena that go beyond national borders. It does not focus solely on the political aspects of interactions between states but also encompasses economic, ideological, cultural, and social dimensions, among others.

Furthermore, international relations is not limited to analyzing interactions between states alone but also includes various forms of organizations, whether they possess international legal personality or not.

The subject of international relations is relatively complex, and understanding it requires drawing upon various disciplines within the social sciences, such as history, economics, geography, psychology, sociology, diplomacy, and international law.

In its simplest definition, international relations refers to all interactions between governments and sovereign states. However, this definition is inadequate, as international relations are no longer limited to states alone. Other entities and unofficial non-state actors have become involved, such as governmental and non-governmental organizations, multinational corporations, and terrorist organizations. Thus, international relations can be described as all interactions and reciprocal connections among different entities within the framework of the international community.

International relations have evolved through four key changing aspects:

- The participating actors.
- The structure (pattern of connections between actors).
- Geographical scope.
- The content of international relations [5].

[4]-Purwandito Dafa Saputra, (2021), *"International Law and International Relations: Role and Relationship"* , Indonesia ,p.2.

[5] - Summary of lectures presented by Professor Yekhlef Abdeslem, Faculty of Law and Political Science, Mentouri University Constantine 1, 2011, and lectures presented by Professor Abdelatif Bouroubi on International Relations Law, intended for Master's students

International Relations as a science:

The study of international relations is relatively modern compared to disciplines concerned with international phenomena, such as political science, diplomatic history, and public international law.

Although international relations as a practice and a set of interactions have existed since the formation of human communities in the form of states, international relations as a scientific discipline is considered relatively new. The modern field emerged around the time of the Peace of Westphalia in 1648, and it began to take form in the 19th century. Its significance as a field of study was confirmed before and after World War I.

As such, international relations has become one of the most important branches of political science, enabling the study and analysis of political phenomena in both theoretical and practical dimensions. Although international relations as a distinct subject within political science did not gain practical academic status until after World War II, it has since gained considerable prominence over other subfields of political science. This is due to the dynamic nature of its topics and the growing importance of the field in light of massive technological advancements, particularly in communication, information, transportation, and weaponry.

International Relations Law :

International relations fall under the purview of public international law, which provides the framework that defines and regulates the conduct of international interactions. Therefore, international relations is a complementary field essential to the study of public international law, and knowledge of international law is indispensable for international relations scholars.

This necessary connection has made public international law the legal framework for international relations.

Given that international relations revolve around the duality of war and peace, conflict and cooperation, legal frameworks serve as important tools for managing international disputes and conflicts. Among these tools are the United Nations, the Arab League, and others that seek to maintain international

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in Law specializing in International Law and International Relations, , Mentouri University Constantine 1, 2019.

peace and security using peaceful and diplomatic means in accordance with international law [6].

Subjects of International Relations:

There is significant disagreement among scholars regarding who the active and influential entities in international relations are:

- The first group, the traditional school, believes that the state is the sole actor in international relations and therefore the only international legal person.
- The second group added international organizations as another actor in international relations alongside the state.
- The third group went further, recognizing the individual as a subject of public international law in addition to states and international organizations. This perspective has grown especially in the field of human rights, giving rise to modern branches of public international law that emphasize the role and importance of individuals as key actors in both international relations and international law.

Distinguishing Between International Relations, Foreign Policy, and International/Global Politics:

Foreign policy, as defined by Marcel Merle, is the portion of governmental activity directed toward external affairs and concerned with issues different from those of domestic politics. Thus, foreign policy is part of a state's general policy or the manner in which a state manages its relationships with other states. There is a relationship between foreign policy and international relations, as the state is the domain of action for both.

International/GlobalPolitics:

Many researchers and political scientists distinguish international politics from global politics (which is often considered a branch of international relations). Global politics does not emphasize the primacy of intergovernmental relations. However, the term "international politics" is often used to mean global politics.

International politics involves the interactions among nation-states, multinational corporations, NGOs, and international organizations. This interaction spans various domains, including the resolution of national and ethnic conflicts, democracy, policies of national self-determination,

[6] - yekhlef , bouroubi , op-cit.

globalization and its relationship with democracy, conflict and peace studies, political economy, and the environment.

It can be said that the most critical factor influencing international/global politics is the competition for legitimacy in the global political arena.

International relations, by contrast, include cross-border interactions between various actors such as states, international organizations, and individuals in their political, economic, social, and cultural dimensions. Thus, international relations are broader than foreign policy and international politics.

Moreover, the study and practice of international relations is interdisciplinary in nature, combining many areas of social science such as economics, history, and political science to address issues like human rights, global poverty, the environment, globalization, and security [7].

[7] - yekhlef , bouroubi , op-cit.

Factors Influencing International Relations

Traditional Factors

Modern Factors

The geographical factor:
The size of a state's territory has an impact on its power. A large territory provides strategic depth and makes it difficult and costly to occupy.

The diplomatic factor:
Diplomacy has constituted a fundamental factor throughout the history of international relations, both in its peaceful and conflictual dimensions.

The economic and demographic factor:
Economic resources are considered the cornerstone in building a state's power. In addition, the population factor is one of the most important elements influencing a state's strength, due to the strong relationship between a state's power and the size of its population.

The technological factor:
Technology plays a significant role in international relations, especially in light of technological advancements and the emergence of social media. A clear example of this is the role social media played in the Arab uprisings of 2011 in Tunisia and Egypt.

The military factor:
A state's power was traditionally measured by its military strength. However, the growing influence of other factors has ended the monopoly of military power, making it just one—albeit a principal—component among several elements that together constitute national power.

Source : A diagram illustrating the dimensions of international relations, prepared by the researcher

Principles Governing and Guiding International Relations:

Traditional Principles:

1. **Wilson's Fourteen Points** – which emphasized that international relations should be based on general peace treaties.

2. **Principles from the Treaty of Westphalia (1648):**

- **Principle of Sovereignty:** The authority of the state to independently make decisions within its territorial borders.

- **Principle of Non-Interference:** Non-intervention in the internal affairs of other states.

Modern Principles (inspired by the UN Charter):

- **Prohibition on the Use of Force:** The UN Charter forbids the use of military force and direct warfare.

- **Article 2, Paragraph 7 of the UN Charter:** Reaffirms the principle of non-intervention in the internal affairs of states.

- **Peaceful Resolution of Disputes:** Emphasizes the necessity of using peaceful means to resolve international conflicts[8].

[8] - yekhlef , bouroubi , op-cit.

Before addressing the most important theories of international relations, it is necessary to provide an overview of the concept of theory and the difference between a theory and a paradigm.

The Concept of Theory and Paradigm in International Relations

The attempt to understand the causes and sources of events on the international stage, their future, and the motivations that drive decision-makers inevitably leads the researcher into the realm of theorizing.
Theorizing is systematic and logical thinking based on **conceptual schema** (assumptions).

Why do we study theory?
Theory helps us better understand international politics from different perspectives. Its most important functions are **description, explanation, evaluation, and prediction** of reality.
Theory is not just a model or a framework composed of hypotheses; rather, it is a means to **simplify facts, phenomena, and international events**. As John Baylis and Steve Smith describe in their book *The Globalization of World Politics*, theory is like wearing sunglasses with different colored lenses. If one wears red lenses, the world appears red; if yellow, the world appears yellow. In both cases, the world is the same, but the perspective is different.

Theory is derived from reality and also influences it. The closer the assumptions of a theory are to reality, the more valid the theory is.

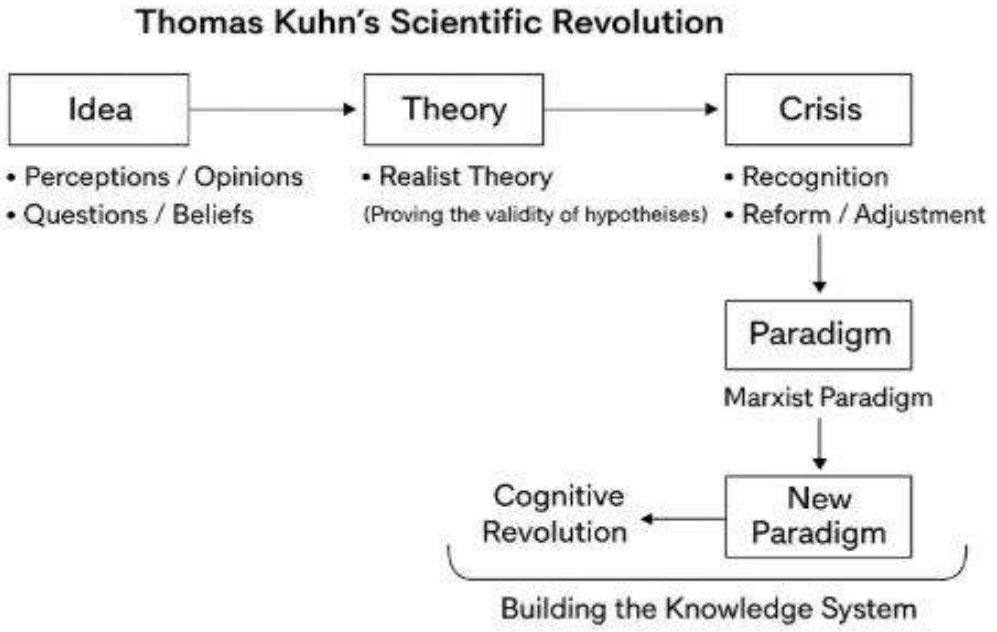
Paradigm:
The term was first used by **Thomas Kuhn** in his book *The Structure of Scientific Revolutions* in 1962. A paradigm is what a group of researchers shares in common; thus, a scientific community is composed of individuals who share the same paradigm. In other words, it is the set of beliefs, values, and techniques shared by members of a specific research group[9].

[9] - Lectures by Professor Yakhlef Abdesselem for third-year International Relations students, Faculty of Law and Political Science, Constantine 01, 2011.

Theory and Paradigm

The following diagram illustrates the development of an idea through questions and issues into a concept and hypotheses, forming a coherent theory whose hypotheses are tested in reality, eventually leading to the formation of a **paradigm** in international relations:

- **Idea**
- **Questions**
- **Concept**
- **Hypotheses**
- **Theory**
- **Paradigm**



Source : A diagram prepared by the researcher based on "*The Structure of Scientific Revolutions* "by Thomas Kuhn.

This diagram summarizes **Thomas Kuhn's model of scientific revolution**, which emerged as a critique of the traditional understanding of the development of knowledge and science—an understanding based on the idea of **incremental and cumulative progress**. Instead, Kuhn proposed an alternative: the concept of **scientific revolutions** grounded in the notion of the **paradigm** or **cognitive model**.

Kuhn argues that any science passes through two stages:

1. **Normal science** – a phase in which a specific paradigm dominates the field of study and becomes the prevailing research tradition.
2. **Crisis science (or abnormal science)** – a phase in which the prevailing paradigm enters a crisis due to its **inability to adequately explain emerging phenomena**, thereby creating an urgent need for a **new paradigm** that can offer better explanatory power.

The **transition from the old paradigm to the new one** is what Kuhn refers to as a **scientific revolution**.

The concept of **paradigm** (or **intellectual model/theoretical framework**) was first used by **Thomas Kuhn** in his book *The Structure of Scientific Revolutions* to explain the **process and outcome of change** that occurs within the fundamental premises and assumptions of a dominant scientific theory during a specific period.

According to Kuhn, a **paradigm shift** represents a scientific revolution—a transformation in the scientific mode. A scientific revolution occurs when scientists face problems that cannot be solved within the globally accepted paradigm. To address these problems, that paradigm must be **transcended** and a **new theory must be developed**.

In this sense, a **paradigm** is not simply the current dominant theory, but a **worldview**—a comprehensive vision of the world that encompasses the theory and all the meanings contained within that vision[10].

Major Theories of International Relations:

[10]- Lectures by Professor Yakhlef Abdesselem for third-year International Relations students, Faculty of Law and Political Science, Constantine 01, 2011.

International Relations (IR) theories are essentially a set of ideas aimed at explaining how the international system operates.

Theorizing in IR began with the **Idealist School**, which emerged after World War I. It represented the idealist trend in the academic field of international law and international organizations, with the aim of eliminating conflicts and establishing an optimal global order.

Idealist thought prioritized ethics in international relations and was based on the assumption of a **Harmony of Interests**. Idealism thus formed a moral-legal approach focused on building a better world free of conflicts, stemming from optimistic philosophical assumptions about human nature.

However, the gap between idealist assumptions and reality grew in the 1930s as the theory failed to explain the real developments of the time, such as the rise of Nazism in Germany, Fascism in Spain, and Japan's occupation of neighboring islands. Consequently, real-world challenges mounted against idealism, and it ultimately declined due to its inability to understand the reasons and motivations behind states adopting aggressive and conflictual rather than cooperative behaviors.

Realism : emerged from the collapse of idealism. Realists consider states the only rational actors in international relations. Realism emphasizes that states seek to increase their own power relative to others and that power is the only certainty in the world. Therefore, a powerful state—especially with military force (the most reliable and significant form of power)—can always deter weaker competitors and maintain its survival.

Realism views international politics as a reflection of human nature, which is inherently selfish and suspicious. These traits are reflected in international relations, which are seen as a realm of conflict, competition, and interest maximization.

In realism, the international system compels states to use military force. While leaders may be moral individuals, they must not let ethics dictate foreign policy. Moreover, realism recognizes that international law and organizations are weak, existing only through state recognition and acceptance.

Realists also emphasize the concept of **Balance of Power**, which means that states must act to prevent any one state from becoming dominant.

Realism sees global politics as a **self-help system**, meaning that states must rely on their own military capabilities to achieve their interests.

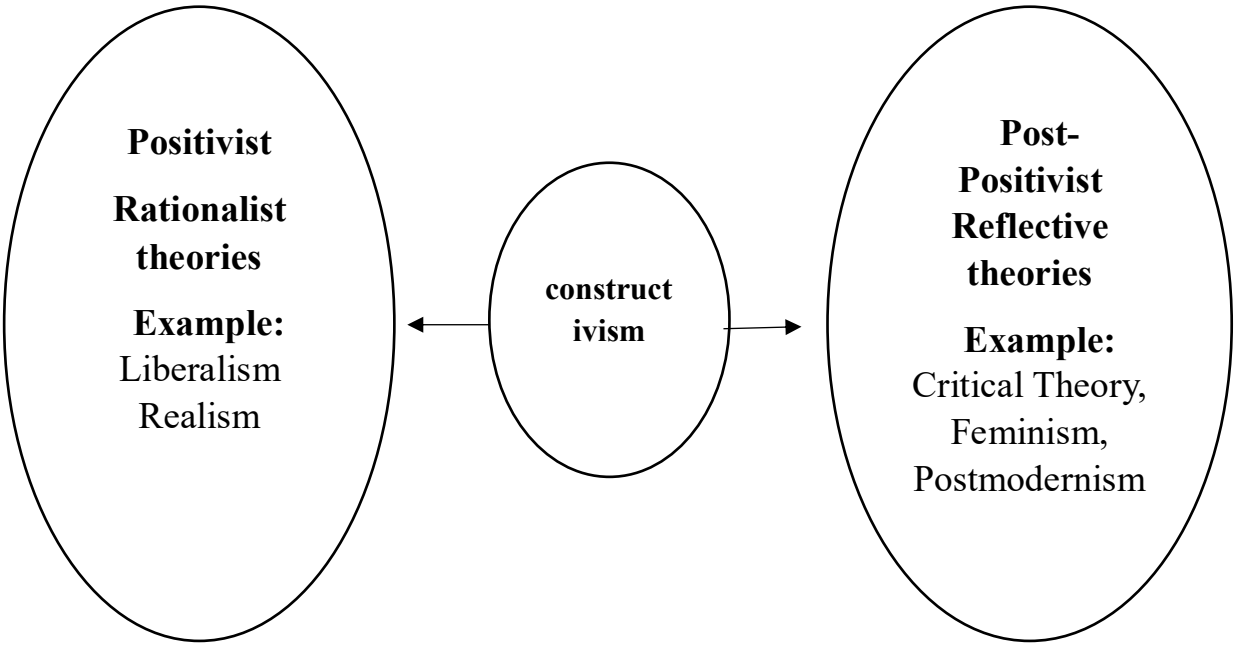
Liberalism : acknowledges that states are interdependent, making it difficult to identify purely individual national interests. Therefore, liberal IR theory promotes minimizing the use of military force.

Liberal approaches, also known as **Interdependence Theories**, argue that the consequences of military power outweigh its benefits and that international cooperation is in the best interest of states. Liberals believe that economic power is more effective than military power.

Liberals reject the realist notion that war is the natural state of international politics and that the state is the only international actor. Instead, they emphasize the role of **non-state actors** such as NGOs and multinational corporations as transnational players.

Although liberalism dominated after WWI, with President Woodrow Wilson advocating for the League of Nations and numerous treaties to abolish war, realism re-emerged during WWII and remained dominant through the Cold War.

The transformations in global politics led to the need for new approaches to understand emerging international phenomena. Realism's explanatory power proved inadequate in addressing the rise of non-state actors like social movements and the broader developments in other social sciences, particularly the **post-positivist turn**. This led to the emergence of new approaches to explain these transformations.



Source : A diagram illustrating the positivist and post-positivist theories in international relations, prepared by the researcher.

Positivist and Post-Positivist Approaches :

The **positivist approach** in IR traces back to **Auguste Comte**, the founder of positivism in sociology. Its early roots appeared in the behavioral school of the 1950s. Key assumptions of positivism include:

- There are laws governing political phenomena that can be discovered through reason, observation, and experimentation.
- The subject can be separated from the object.

Positivists thus believe that international relations can be studied using the same methods as the natural sciences.

Critiques of positivism came mainly from **critical theories**, arguing that the researcher cannot be completely objective or unaffected by values, emotions, and surrounding environments.

Critical approaches reject the positivist methodology of observation and experimentation, asserting that social and political phenomena are unique and non-replicable. Therefore, results from a study on a specific political or social case cannot be generalized to other cases.

Positivism sees the world as something that exists outside of our perception of it.
Post-positivism helps us build the world based on our understanding of it.

Constructivism in International Relations :

The essence of **constructivism** in IR lies in the assumption that human existence is social. Individuals shape society, and society shapes individuals—this process involves the role of **norms**.

Constructivism adopts positivist assumptions about the state or **agent**, which seeks to achieve national interest as defined by its identity. Identity itself is formed through the interaction between the agent and the structure.

Thus, constructivism offers a unique approach that emphasizes the role of **identity, values, and ideas** in international relations.

Post-Positivist Theories :

Critical Theory : encompasses various approaches such as **Marxism**, which first appeared in the early writings of Karl Marx and Immanuel Kant, and later evolved through contributions by **Robert Cox** and **Andrew Linklater**. It focuses on freeing the individual from the modern state and economic system.

Robert Cox is a key figure in critical IR theory, which challenges the core assumptions of realism.

Critical theory denies the objectivity and scientific status granted to traditional IR theories. Two major schools emerged from it: the **Frankfurt School** and **Gramscian Theory**.

Critical theory aims to reinterpret international relations in a more **ethical and idealistic** light. It focuses on the **individual as the primary unit of analysis**, challenging the realist ontology that sees the state as the sole rational actor. It also rejects realism's concept of eternal anarchy, arguing that both **anarchy and national interest** are not natural laws but socially constructed assumptions.

States and anarchy are historical constructions resulting from global social forces.

Feminist Theory in International Relations :

Feminist concepts emerged in the late 20th century as a new perspective in IR, criticizing the exclusion of women from the state, the global economy, and decision-making processes.

Feminist IR theory emphasizes the importance of **gender** in understanding contemporary global politics. It argues that men, not women, have developed IR theories and dominate decision-making spheres.

Feminism seeks to explain global political events, including IR, from a gendered perspective. However, it has faced several critiques:

- It has not yet evolved into a full-fledged IR theory despite its contributions.
- Its ideas are primarily sociological.
- Its influence on mainstream IR theory remains limited and narrowly focused[11].

2- The Concept of International Law:

The term international law was coined by the English philosopher Jeremy Bentham (1748–1832).

There are two important approaches to defining international law:

The classical approach : defines international law as a set of legal rules that regulate relations between states. According to this approach, the state is considered the sole legal subject addressed by the provisions of international law. One of the proponents of this approach is the Dutch jurist **H. Grotius** (De Groot), who defined international law as the law governing relations between states.

[11] - lectures of professor yekhlef and bouroubi based on the book of Baylis, J., Smith, S., & Owens, P. *The globalization of world politics: An introduction to international relations* 1997,Oxford University Press.

In addition, jurists such as **Oppenheim** and **Lauterpacht** supported this view, considering international law as consisting of customary and conventional rules that are legally binding in the mutual relations of civilized states.
The **modern approach**, in turn, is divided into several main trends. Among them is the **objective approach**, which is based on the idea that the individual is the foundation of international law. This approach is led by jurists such as **Duguit** and **Georges Scelle**.
The **third approach** is the **approach of the state and other subjects of international law**, which emerged as a result of the development of contemporary international law. This approach is adopted by the majority of modern jurists, including **Georg Schwarzenberger**, who defined international law as *a set of legal rules applied between states and other entities that possess international legal personality*[12].

In another definition, international law is considered as a set of rules intended to bind states in their relationships with each other. It is largely designed to apply to states, both to constrain (the laws of war) and to empower them (law of sovereignty). Increasingly, international law has been codified, so that today most international obligations are contained in treaty form, although historically customary international law played a relatively more important role than it does today [13].

The norms of international law are composed of texts ratified by several States: international treaties, conventions, protocols and treaties. They can be bilateral (between two countries) or multilateral (between several countries). States parties pledge to apply these standards in their territories, only if there is a trade-off, by providing them with a level higher than their national standard [14].

We can say that the Treaty of Westphalia of 1648, which ended the Thirty Years' War between supporters and opponents of papal rule, is considered a major starting point in the history of international law. It definitively marked the defeat of the Pope's authority and led to the emergence of the modern European state. The treaty established the following key principles:

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[12] - Mohamed Mahieddine, *Summary of Lectures on Public International Law*, Algiers: University Publications Office, pp. 1–3.
[13] - Beth Simmons, (2009), International Law and International Relations in : Gregory A. Caldeira (ed.) The Oxford Handbook of Law and Politics,p.187.

[14]- Saputra, op-cit,p.4.

- Affirmation of the principle of state sovereignty and unity.
- Affirmation of the principle of equality among states.
- Recognition of the absolute right of the nation-state to wage war.

The period following World War I marked a significant turning point in the history of international law and the course of international relations. The massive losses caused by the war pushed the international community to consider establishing principles and laws to govern the reality of international relations. This period witnessed growing calls to revise many of the traditional rules that had prevailed before World War I, such as the concept of absolute state sovereignty. This shift signaled the beginning of a new phase in international law *(the concept of sovereignty and its transformations will be discussed in detail during the second semester module)*.

With the beginning of the 21st century and the transformations in the international arena, the rules of international law have appeared increasingly incapable of explaining and keeping pace with these changes, especially with the complexity of international relations and the emergence of new actors and variables. This has made it necessary to introduce reforms to the international legal system in order to achieve international justice[15].

In general, we can say that :"International law is defined here as law among states, international organizations and non-state actors, such as individuals, corporations and non-governmental organizations" [16].

[15] - Extracted from lectures by professors of international relations intended for third-year International Relations students at Mentouri University Constantine 1, formerly the Faculty of Law and Political Science. In addition, it draws on key specialized books such as Mabrouk Ghodane's Introduction to International Relations and Khaled Moussa Al-Masri's book on Theories of International Relations.

[16] - Peter M. R. Stirk ,The Concept of the State as a Community of Liability, in : The Concept of the State in International Relations, ed : Robert Schuett, Peter M. R. Stirk, Edinburgh University Press,2015 , p.105.

Lecture N.02 : Relationship between International Law and International Relations, Two disciplines or one ?

In this lecture, we will start from the assumption that IR and IL cannot be adequately understood in isolation, considering that these two fields are two distinct yet interconnected fields that play a crucial role in shaping global governance and cooperation .
so, International law serves as a framework for the practice of stable and organized international relations"[17].

Political scientists have been studying international law since the birth of political science as a discipline. In the United States, for example, when the American Political Science Association (APSA) was founded in 1903, its constitution defined the organization's goal as "the encouragement of the scientific study of Politics, Public Law, Administration and Diplomacy," and "international law and diplomacy" was one of its seven founding subfields [18].

The disciplines of international law and international relations are inextricably linked. Both are concerned with the activities of states and with predicting how states behave and on what basis.For the international lawyer, however, the key concern is the role of the law. On the other hand, political scientists have traditionally regarded international law with skepticism, if not contempt. In recent years new approaches in both disciplines have seen moves towards greater interdisciplinary collaboration. Indeed, at the start of the twenty-first century, theorists from both disciplines are talking actively about the development of a dual agenda of international law and international relations.

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[17]- Oxford Research Encyclopedia of International Studies. "International Law and International Relations." Last modified March 26, 2019, in : https://oxfordre.com/internationalstudies/display/10.1093/acrefore/9780190846626.001.0001/acrefore-9780190846626-e-406.

[18] - Christopher A. Whytock, (2016),From International Law and International Relations to Law and World Politics , OXFORD RESEARCH ENCYCLOPEDIA OF POLITICS: THE POLITICS OF LAW AND THE JUDICIARY, William Thompson & Keith E. Whittington eds,p.4.

This means that students of international relations need increasingly to be familiar with the terminology and methodology of international law [19].

In the absence of a centralized world government to make laws and settle disputes, a natural question arises as to what role international law has in world politics ?[20].

International law is a part of law that regulates the activities of international-scale entities that have relations with the international community. International law is the overall principles and principles governing relations or issues that cross national borders between countries and countries and countries with other non-state legal subjects or non-state legal subjects to each other. International relations, which are relations between countries, are basically "legal relations" which implies that international relations have created interconnected rights and obligations between legal subjects (states).

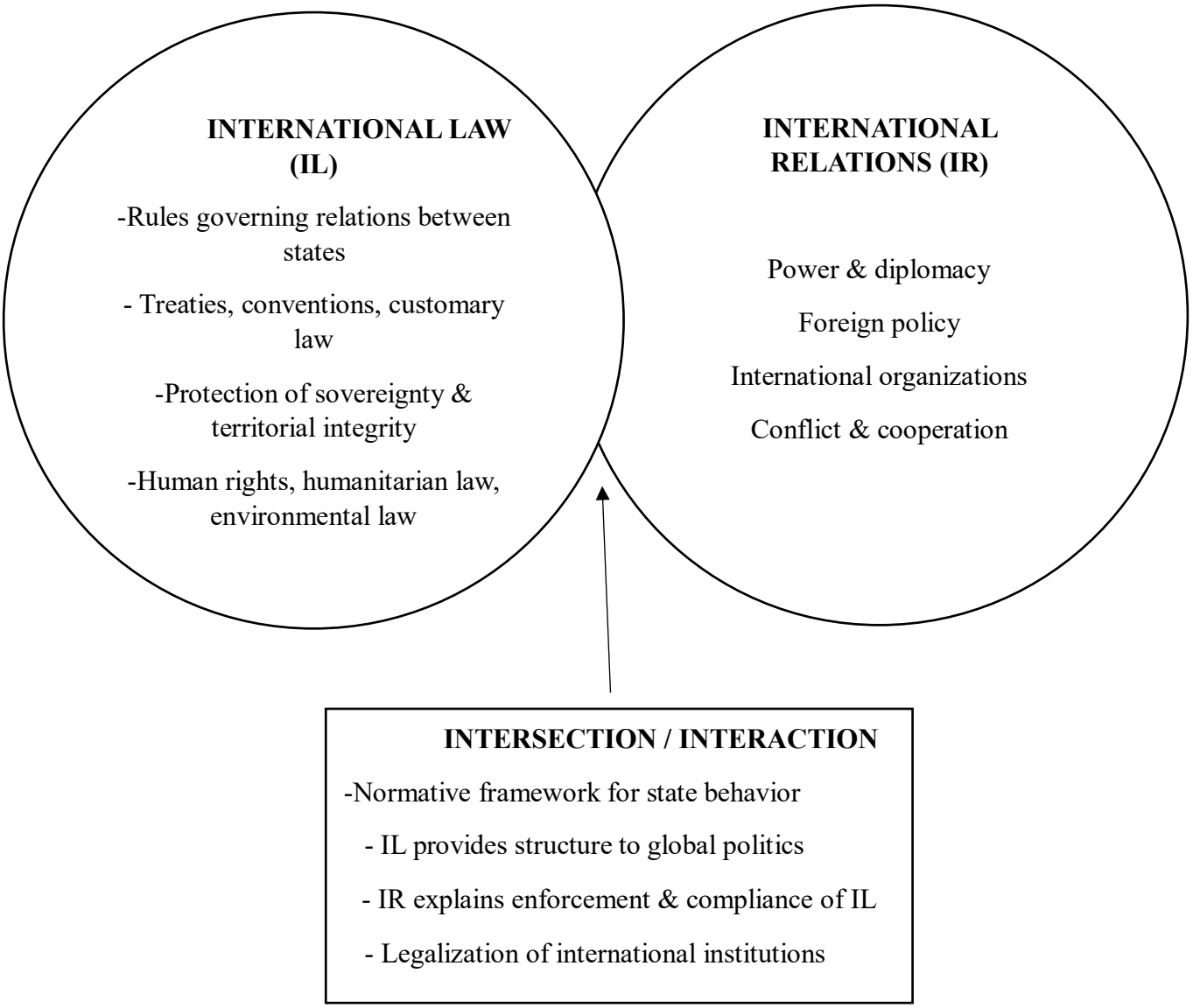
International law is closely related to International Relations. Because international law is a system of rules, principles and concepts regulating relations between countries, international organizations, individuals and other actors in world politics. Relations between international actors are the subject of international relations. So to understand, a student or international law expert must be able to understand the science of international relations [21].

In short, international relations (IR) is considered a subject of international law (IL), while international law represents the framework that defines and regulates the conduct of international relations.

[19] - J. Craig Barker, (2001), International Law and International Relations, Bloomsbury Publishing,p.1.

[20] - Ivana Stradner, Johann Koehler,(2018), INTERNATIONAL LAW AND INTERNATIONAL RELATIONS, **LEGAL STUDIES**,(LS 157) ,p.2.

[21]- Saputra,op-cit, pp.4-5.



Source : A conceptual map developed by the researcher to illustrate the intersection between International Relations and International Law, based on several key references in the discipline.

Scholars like David Kennedy and Martti Koskenniemi resisted what they saw as a co-optation of European legal traditions by North American liberal IR, critiquing this merging for overlooking power asymmetries and ideological biases.

Ongoing Critiques & Tensions

- Disciplinary dominance: Mainstream rationalist IR tends to subsume "law" under political science frameworks, ignoring the distinctiveness of the international legal sphere .

- Depoliticization risks: Embracing epistemic interdisciplinarity for practical puzzles often sidelines critical reflection on power, ideology, and normative assumptions [22].

Rather than smoothing over tensions, the authors call for a counter-disciplinary approach that:

1. Embraces meta-theoretical scrutiny, examining how IR and IL shape each other's boundaries.
2. Views international law as a set of practices—focusing on how legal arguments achieve validity in social and institutional processes

Transforms IR/IL interdisciplinarity into a critical engagement, one that doesn't mask the frictions but uses them to explore "what constitutes the international" in richer, more nuanced ways [23].

Notes:

__"Traditionally, international law and international relations have developed as separate academic disciplines with little interaction."

_"IR scholars have tended to disregard IL as ineffective in high politics; while IL scholars have often isolated law from political context."

_"International law and international politics are not separate spheres. They are functionally intertwined."

_"IL is not simply imposed upon politics; it operates through political actors, and its validity is reinforced by political processes"[24].

[22] - Roberto Vilchez Yamato and Florian Fabian Hoffmann," Counter-disciplining the Dual Agenda: towards a (re-)assessment of the interdisciplinary study of International Law and International Relations",Revista Brasileira de Política Internacional, 2018, pp.1-4.
[23] -Yamato, Hoffmann , op-cit, p.13.
[24] - strirk , opcit , pp.105-111.

Lecture N 3: The evolution of international law

Foundations of International Law :

The concept of international law can be traced back to ancient civilizations. The Romans developed the *jus gentium* (law of nations) to govern relations between Roman citizens and foreigners, emphasizing universal principles applicable to all humans.

In the Middle Ages, thinkers like St. Thomas Aquinas integrated Christian theology with natural law, positing that certain rights and moral values are inherent in human nature and universally cognizable through human reason[25] .

We can devise the evolution of international law into three important phases :

Phase 01 : The Peace of Westphalia (1648)

The Peace of Westphalia treaties marked a turning point by recognizing the sovereignty of states and the principle of non-intervention, laying the groundwork for the modern international system.

Phase 02 : 19th Century Developments

This era saw a shift towards legal positivism, emphasizing that international law is derived from the explicit consent of states through treaties and customs, rather than moral or natural law[26] .

Then, the Hague Conferences of 1899 and 1907 attempted to codify laws of war and mechanisms for peaceful dispute resolution, reflecting the growing importance of formal international agreements[27].

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[25] - Britannica. (n.d.). *International law - Historical development*. Retrieved from https://www.britannica.com/topic/international-law/Historical-development

[26] - Armstrong, D., Farrell, T., & Lambert, H. *International Law and International Relations*. Cambridge University Press, 2007,pp. 34–68.

[27] -legal.un.org

Phase 03 : Post-World War II and the United Nations

In 1945, the United Nations was founded to promote international cooperation and prevent future conflicts, introducing a more structured approach to international law and relations[28].

[28] - Arend, A. C. *The Evolution of International Law*. In J. R. McNeill & K. Pomeranz (Eds.), *The Cambridge World History* ,Vol. 7, Cambridge University Press, 2015,pp. 285–305.

Lecture N.04: State as international actor in international relations

"States remain the primary actors in international law and international relations, but the increasing role of non-state actors cannot be ignored" [29].

International public law scholars agree that the state is the principal entity in the law of international relations. Consequently, the state is considered a political entity composed of three fundamental material elements:

- Human element: the population or the people.
- Territorial element: the territory.
- Political element: there is disagreement regarding its meaning; some refer to it as sovereignty, others as independence, while a third group calls it political authority.

In addition to these basic material elements, there are other elements known as legal elements. The state, as a subject of international public law, legally enjoys legal personality and sovereignty, meaning it has the capacity to acquire rights and bear obligations both internally and externally. This enjoyment of legal personality entails many obligations in international relations:

1. All actions carried out by the state's representatives at the external level are attributed to the state.
2. The concept of the state persists despite any developments that may occur to its territory.
3. Any change in the system of government does not affect the existence of the state as long as the political authority has demonstrated effectiveness[30].

The role of State in Classical Realism :

For realists the state is a sovereign, unitary, rational actor that prioritizes survival and power in an anarchic international system.

[29] - strirk , opcit , p.110.

[30] - Mabrouk Ghodbane, *Introduction to International Relations,* Annaba Algeria: Dar Aloloum for Publishing and Distribution, 2007, p.23.

In his book titled « *Politics Among Nations* » 1948, Hans Morgenthau, emphasizes that international politics is governed by objective laws rooted in human nature and that states seek power to ensure their survival[31].

The State in Neorealism (Structural Realism) :

Kenneth Waltz's *Theory of International Politics* (1979) defines the state not by its internal makeup but by its position in the international structure.

States act similarly (seek survival) because the international system is **anarchic** and lacks a central authority, and **Balance of power** becomes the organizing principle [32].

So, for realists, in the international arena, there is no analogous centralized enforcement system. Lacking an "international sheriff" to force states to obey international law, the international system relies on the traditional concept of self-help and countermeasures [33].

The State in Liberal Theories :

While the state remains central, liberal theories stress the role of **international institutions, democracy, and economic interdependence** in shaping state behavior.

States are not always unitary: domestic actors, public opinion, and economic interests influence foreign policy [34].

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[31] - Morgenthau, Hans. *Politics Among Nations: The Struggle for Power and Peace*, 5th ed., Knopf, 1973, pp. 3–15, 27–38.

[32] - Waltz, Kenneth. *Theory of International Politics*, Addison-Wesley, 1979, pp. 88–99.

[33] - Anne van Aaken and Betül Simsek, (2021),« REWARDING IN INTERNATIONAL LAW », THE AMERICAN JOURNAL OF INTERNATIONAL LAW ? Vol. 115, no.2, p.195.

[34] - Moravcsik, Andrew. "Taking Preferences Seriously: A Liberal Theory of International Politics," *International Organization*, Vol. 51, No. 4 (1997), pp. 513–553.

The State in Constructivist IR Theory :

Alexander Wendt, a leading scholar of Constructivist theory in International Relations, contends that a state's identity and interests are socially constructed through its interactions with other actors.

Today, States remain **powerful actors**, but their sovereignty is challenged by globalization, international institutions (like the UN or WTO), non-state actors (NGOs, MNCs), and transnational issues (climate change, terrorism).Some scholars argue that we are entering a **post-Westphalian** world where state authority is increasingly **shared** or **limited**.

- In general , we can say that the state remains the *core concept* in International Relations (IR), yet paradoxically it is **neglected in theoretical analysis**. While realism treats states as black boxes, deeper understanding demands unpacking their nature .
- Early classical realists (e.g., Morgenthau, Herz, Carr) acknowledged states as **historical constructs** with varied forms, warning against reifying them as absolute "mortal gods" .

The Rise of Neo-Realism and Its Limitations

- Neo-realism (Waltz and others) treated states mechanistically—like billiard balls in an anarchic system—with little attention to normative or ontological issues .
- This structural lens, while powerful, *downplays sovereignty's complexity* and ignores the state's evolving social, political, and normative dimensions .

Challenges & Critical Responses

- Post–Cold War critiques—from **cosmopolitanism**, **globalization theorists**, and **sociologists**—have argued the sovereign state is **morally problematic** or historically obsolete .
- Yet, their critiques often **presume the state's empirical endurance**, inadvertently reaffirming its importance .

The "Historiographical Turn"

- Scholars like Osiander have revealed that the **Westphalian model**—often viewed as the foundational notion of sovereignty—has been **misunderstood or overstated** in IR theory

  Sovereignty is now seen as **divisible, conditional, or limited**, especially in contexts like globalization or international administration[35].

[35] - strirk , op-cit , pp 1-8.

Lecture N.05: why do states sign international agreements and follow international rules?

Traditionally, all states in the contemporary world, including great powers, are compelled to justify their behaviour according to legal rules and accepted norms. Essentially, the extent to which states follow their international obligations has developed over the past 400 years. From a historical perspective, international obligations and accepted norms were founded following two key developments in European history. In 1648, the Treaty of Westphalia ended the Thirty Years' War by acknowledging the sovereign authority of various European princes.

This event marked the advent of traditional international law, based on principles of territoriality and state autonomy. Then in 1945, again following major wars initiated in Europe, states began to integrate on a global scale.

The UN Charter became the international framework for which norms of sovereignty and non-intervention were enshrined. Now, as a result of modern technology, communication, transport, and more, the evolving process of Globalisation, "The internationalization of the world", has provided an opportunity for international law and accepted norms to reach every corner of the globe. However, the development of international law and accepted norms has not compelled states to comply all the time. Instead, the trend over the past 400 years has shown that states have been mostly compelled to justify their behavior according to legal rules and accepted norms. The emphasis on mostly should be stressed. Even though the UN Charter does not permit violating sovereignty through the use of aggression, the extent to which states follow their international obligations varies. This will be discussed later when addressing the topic of humanitarian intervention and the role of the United Nations.

Over time, such agreements to norms and treaties have diminished sovereignty, increased international institutions, given rise to non-state actors, and rapidly developed the contemporary customary and treaty based rules system. The evolution of the dispute-settlement procedures of the World Trade Organisation (WTO), the establishment of the International Criminal Court (ICC), and the

establishment of numerous global treaties illustrate states agreeing voluntarily to give up a portion of their sovereignty [36].

International law and relations scholars have inquired into the power of rules in international affairs for centuries, but the Cold War's demise, and its implications for the possibilities of international law, have dramatically sharpened interest in the "compliance question." Within the last decade, the growing perception that "international law does matter" has brought the question to the attention of political scientists, regime theorists, international law practitioners, and legal philosophers [37].

The standards and mechanisms of international law that govern relations between states are binding legal mechanisms that contribute to preserving the general functioning of the international system, which is characterized by chaos. However, these mechanisms, which are mainly represented in international treaties and binding resolutions of the UN Security Council and international courts, remain weak mechanisms that rely on the idea of punishment they are also linked to thorny issues such as the sovereignty of states and international interference in the internal affairs of states.

Theoretical Explanations :

Why states comply with international law is often analysed through a combination of three key theories: realism, liberalism, and constructivism.

Realism is naturally skeptical that treaties or formal agreements significantly influence state behaviour. Simply, self-interest is the key factor advanced by realism. For example, Mearsheimer suggests that if states comply with the standard of an international treaty, they do so because it is in their interest even if the treaty did not exist.

Liberals agree with realists that state interest is central. However, they believe that institutions can help states enforce agreements. Regime type is crucial to understanding the role of law in interstate relations. Under this view, compliance depends significantly on whether or not the state can be characterised as a liberal democracy with representative government that

[36] - Heath Pickering, (2014),« Why Do States Mostly Obey International Law ? », **E-International Relations**, , pp.1-3.

[37] - Harold Hongju Koh,(1997), « Why Do Nations Obey International Law? », **The Yale Law Journal** (Vol. 106) , 1997, p.2602

supports civil and political rights, and a legal system respecting the rule of law. However, liberals like Keohane argue that states form agreements to mitigate international anarchy. This argument is supported by James Morrow's study that found in terms of laws of war, ratification by democracies correlates with greater compliance. Thus, democracies are most likely to comply with international law compared with illiberal regimes. This hypothesis also supports the democratic peace theory, which argues among other things, that democracies do not go to war against each other. Therefore, regime type is also a factor for how nations behave. A growing body of research focuses on normative considerations to explain state behaviour.

Unlike interest theorists, who treat self-interests as fixed, constructivists argue that states and their interests are socially constructed by "commonly held philosophic principles, identities, norms of behavior, or shared terms of discourse".

In this view, norms establish standards of appropriate behaviour that are created socially, which then guide states toexpected levels of conduct.Constructivists like Wendt and Finnemore believe that shared understandings are highly valued by states, such that states comply because they respect norms greater than the actual treaties. Finnemore argues that the utility of force hinges on legitimacy. Essentially, states calculate their interests according to what is considered acceptable. Therefore, as international law and abiding by accepted norms are considered acceptable behaviour, states are likely to comply [38] .

[38] - Pickering, op-cit, pp.1-3.

(*) -The term 'non-state actor' (NSA) covers a wide range of diversified entities with one particular trait in common – while often playing a significant role in international relations, they are independent of states. This broad term covers, inter alia, individuals, corporations, non-governmental organizations, armed non-state actors, trade associations, and many more. Even though international law as a legal system is becoming increasingly sensitive to NSAs, it still primarily regulates relations between states and intergovernmental organizations, and does not touch upon the status, role, and responsibilities of NSAs at the international level. For more informations read this article :

AGATA KLECZKOWSKA, States vs. non-state actors – a public international law perspective , The European Centre of Excellence for Countering Hybrid Threats : Hybrid CoE Strategic Analysis ,2020 ,p.3.

Pickering examines the enduring puzzle in international law: why do states, despite the lack of a global sovereign and coercive enforcement, generally comply with international legal norms?

He argues that the best explanations draw from multiple compliance theories, blending insights from positivist, managerial, rational choice, and constructivist perspectives.

1. **Rationalist / Instrumental incentives**

- States calculate costs and benefits: engaging law yields reciprocal gains, access to finance, and foreign investment.

2. **Managerial / Institutional design**

- International regimes facilitate dialogs, monitoring, and reporting, making non-compliance costly in reputational and relational terms.

3. **Constructivist / Norm-based**

- States internalize norms through social interaction, norm entrepreneurs, and moral identity, leading to legal habits rooted in opinio juris [39].

Posner's thesis: States **do not have a general moral obligation** to comply with international law; rather, they obey these laws **only when it aligns with their self-interest**, posner's distinguishes between two views:

1. **Prudential view**: Compliance is based on **cost–benefit analysis**, including reputational concerns.
2. **Moral view**: Compliance arises from a sense of obligation, even absent punitive consequences.

[39] - Pickering, Heath. "Why Do States Mostly Obey International Law?" *E-International Relations*, February 4, 2014. https://www.e-ir.info/2014/02/04/why-do-states-mostly-obey-international-law/.

In the other side , posner rejects the moral view, arguing states comply only when it serves their interests.

Can a State Have Moral Obligations?

Posner first addresses whether *states*—understood as collective actors—can bear moral duties, concluding that even if they can, this doesn't imply a moral obligation to obey international law

Keeping Promises and Treaties

- He questions whether treaty commitments create moral obligations akin to individual promises.
- Posner argues that states do not inherently have promise-keeping duties under international law beyond pragmatic utility [40].

Moral Duty to Obey International Law

- States obey international law when compliance aligns with **instrumental (self-interested) motivations**, not because of moral obligation .
- Even moral or rhetorical compliance can be explained as strategic reputation management rather than true conscience .
- Posner dismisses counterarguments from moralist theories, fairness principles, and cosmopolitanism, concluding that **no general moral obligation** exists .

Posner urges a **realist reorientation** in international law scholarship—away from normative idealism and towards explanations grounded in **self-interest, reputational incentives, and instrumental compliance** [41].

[40] - Eric A. Posner, "Do States Have a Moral Obligation to Obey International Law?" ,*Stanford Law Review,* vol.55, 2003, pp.1905-1909.
[41] -Posner, op-cit , p 1912.

Lecture N .06: Humanitarian intervention

The principle of humanitarian intervention, in terms of the idea, expresses a sublime humanitarian value, especially in light of the increase in major human rights violations that require international action and concerted efforts among nations in order to preserve international peace and security. The repercussions resulting from violations of human rights in the so-called failed states certainly reflect negatively on the security and safety of the rest of the countries of the world. On this basis, and based on the content of the United Nations Charter, the UN Security Council has become the primary and exclusive role in defending human rights, given that violations of those rights have become one of the main sources of threats to peace and international security.

Definition of the concept :

Since the issue of humanitarian intervention is related to international law, political science, morality and international relations, one may come across different definitions and categorisations. Adam Roberts defines humanitarian intervention as a :"military intervention in a state, without the approval of its authorities, and with the purpose of preventing widespread suffering or death among the inhabitants".

For Tonny Brems Knudsen, humanitarian intervention is :"dictatorial or coercive interference in the sphere of jurisdiction of a sovereign state motivated or legitimated by humanitarian concerns".

According to Martha Finnemore, humanitarian intervention is a :"military intervention with the goal of protecting the lives and welfare of foreign civilians"[42].

Another definition defines humanitarian intervention as : « The threat or use of force by a state, a group of states, or an international organization primarily for

[42] - ŞABAN KARDAŞ, HUMANITARIAN INTERVENTION: THE EVOLUTION OF THE IDEA AND PRACTICE, JOURNAL OF INTERNATIONAL AFFAIRS, ,Volume VI ,2001, p.1.

the purpose of protecting the nationals of a target state from widespread and grave violations of their fundamental human rights"[43].

So,humanitarian intervention is a means to prevent or stop a gross violation of human rights in a state, where such state is either incapable or unwilling to protect its own people, or is actively persecuting them. Many scholars identify the 1990s as a 'decade of humanitarian intervention', during which the UN authorized several interventions on humanitarian grounds. During the 1990s, even as the Security Council was increasingly willing to authorize humanitarian intervention, the United States and its allies took military action on at least three occasions, for express humanitarian purposes, when the specific action was not authorized by the Security Council [44].

43 - Holzgrefe, J. L., & Keohane, R. O. (Eds.). (2003). *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*. Cambridge University Press,pp. 15–35.

44 - Kirthi Jayakumar, Humanitarian Intervention: A Legal Analysis , SSRN ,2012, p.1

Humanitarian Intervention

Aimed at preventing or ending human rights abuses

Purpose: Protect civilians from genocide, war crimes, crimes against humanity, ethnic cleansing.

Actors: Typically, foreign states, coalitions, or international organizations (e.g., NATO, UN).

Tools: Military force (airstrikes, ground forces), diplomatic pressure, sanctions.

Lecture N07 : The Legal Framework of humanitarian intervention in the UN Charter

The end of the Cold War has witnessed an increasing trend towards willingness of states to intervene militarily in the internal affairs of other states, ostensibly in response to civil war conditions, gross human rights violations or ethnic cleansing.

Instances of use of force in violation of the well-founded principles of national sovereignty and non-interference in a State's domestic affairs, laid down under Article 2(4) of the United Nations (UN) Charter, have raised many questions on the legitimacy and viability of the so-called humanitarian interventions.

The end of the Cold War has brought about a substantial change in the concept of humanitarian intervention as well as in the practice. This change is rooted in different developments. One of the main factors is the changing nature of the international system; the end of superpower rivalry has to some extent removed the systemic constraints on intervention in domestic affairs. The end of the ideological confrontation has also largely undercut the rationale for supporting 'friendly' repressive regimes to prevent them from falling into the other camp. This is especially true as far as the US is concerned.

As the Cold War had made non-intervention a universal norm, with the end of the Cold War, norms pertaining to the protection of individual rights have increasingly received general acceptance, particularly among the Western states. This resulted in a suitable political atmosphere for initiating interventions [45].

The Legal Framework: The UN Charter

The UN Charter provides the legal basis for assessing intervention:

- Article 2(4): Prohibits the use of force against the territorial integrity or political independence of any state.

[45] - Jayakumar, Kirthi. "Humanitarian Intervention: A Legal Analysis." *E-International Relations*, February 6, 2012, p.4.

- Article 2(7): Prohibits intervention in matters essentially within the domestic jurisdiction of states.
- Chapter VII (Articles 39–51): Allows the Security Council to authorize force when there is a "threat to the peace, breach of the peace, or act of aggression."

"The Charter balances non-intervention with the need for collective security"[46]. Thus, only the UN Security Council (UNSC) has the authority to approve military intervention legally.

Interventions and Global Legal Framework

The UN Charter enshrines the principles of sovereignty and non-interference in the domestic affairs of a state, even as customary law underscores protection of the individual in safety, security and well being. A question that needs to be raised is: are there any legal, ethical and security considerations that impel the international community (a euphemism for the United States and the advanced countries of the West) to undertake interventions? Defining such criteria could bridge the gap between varying perspectives on relative weightage that is accorded to sovereignty and intervention more so because the UN organisation is based on the principle of sovereign equality of all its members. Under its Charter, and in terms of the past practices of the UN Security Council (UNSC), it cannot authorise a military action purely on grounds of human rights violations. To act under Chapter VII, its action must be premised on a formal determination of the existence of threat to international peace and security. The more important point is who decides when the criteria have been met or a certain expected threshold of behaviour has been breached so that the intervention has a wider ranging international support [47].

The legal framework for assistance also remains unclear in other areas. One of these is the extent to which international law is binding on non-state actors – a particular challenge in non-international armed conflicts when armed groups control areas in which civilian populations are in need. In addition, although the 'responsibility to protect' has been recognised as an 'emerging norm', it has

[46] - Chesterman, S. *Just War or Just Peace? Humanitarian Intervention and International Law*. Oxford University Press ,2001,p.50.

[47] - Kak, Kapil. "Humanitarian Intervention and the Changing Role of the UN." *Strategic Analysis* 24, no. 7 ,2000, p.1235.

not developed into consistent state practice that could provide for legal interventions without state consent in order to protect civilians. This is evident in the different responses to the recent humanitarian crises in Libya and Syria, with action authorised in the former but not the latter [48].

Criticisms of humanitarian intervention :

The doctrine of humanitarian intervention has been widely criticized. For many detractors, it represents a mode of liberal imperialism. Likewise, humanitarian intervention has been censured for coercively imposing Western ideas about rights onto other cultures. For others, humanitarianism is simply rhetorical cover either for the implementation of traditional geopolitical policies or for powerful economic interests. In particular, it is argued, the failure of the Western powers to intervene during the 1994 genocide in Rwanda, where there were no obvious economic or political interests at stake, demonstrated their hypocrisy. Indeed, Rwanda has become a lightning rod for the debate. For critics of interventionism, it proved that interventions were linked to self-interest. For advocates, Rwanda was a catastrophic failure and a spur for future action [49].

Like chomesky said : "Humanitarian intervention remains trapped between power politics and moral necessity"[50], and based on the above, it is clearly evident that the international transformations that resulted from the Cold War and the development of discussions at the theoretical level in IR and at the political, moral and legal levels that linked human rights violations and the threat to international peace and security were sufficient to make the Security Council, from a legal standpoint, become the primary body in the world which has the exclusive right to endorse the principle of humanitarian intervention to stop what it considers a violation of human rights.

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[48] - Haider, Huma. *International Legal Frameworks for Humanitarian Action: Topic Guide*. Birmingham, UK: Governance and Social Development Resource Centre (GSDRC), University of Birmingham, 2013. p.6.

[49] - Bell, Duncan. "Humanitarian Intervention." *Encyclopædia Britannica*. Last modified March 26, 2019. https://www.britannica.com/topic/humanitarian-intervention.

[50] - Chomsky, N. (1999). *The New Military Humanism: Lessons from Kosovo*. Pluto Press, p.71.

But giving the Security Council full authority to approve the principle of humanitarian intervention has created a set of challenges that hinder the implementation of this noble principle, so that humanitarian intervention has become hostage to the interests of the five permanent member states of the Security Council. These major countries are now passing the decision on whether or not to intervene humanitarianly, not according to humanitarian grounds, but rather according to their own geostrategic interests, and what happened in Libya in 2011 is a clear evidence of the true motives for humanitarian intervention.

Accordingly, the concept of the responsibility to protect emerged as an alternative to humanitarian intervention, which we will discuss in detail in the upcoming lectures.

So, the issue here revolves around the effectiveness of the Security Council in protecting human rights through the mechanism of military intervention. Are the legal and humanitarian foundations sufficient to determine when intervention should occur in the name of human rights, or is humanitarian intervention driven by the interests and power balances of major states?

It can be argued that the geostrategic interests of the permanent members of the Security Council often make the Council an obstacle to the protection of human rights, rather than a cornerstone for curbing violations on a global scale.

Lecture N .08: The Responsibility to Protect

The Responsibility to Protect – known as R2P – is an international norm that seeks to ensure that the international community never again fails to halt the mass atrocity crimes of genocide, war crimes, ethnic cleansing and crimes against humanity. The concept emerged in response to the failure of the international community to adequately respond to mass atrocities committed in Rwanda and the former Yugoslavia during the 1990s. The International Committee on Intervention and State Sovereignty developed the concept of R2P during 2001.

The Responsibility to Protect was unanimously adopted in 2005 at the UN World Summit, the largest gathering of Heads of State and Government in history. It is articulated in paragraphs 138 and 139 of the World Summit Outcome Document [51].

1. R2P stipulates three pillars of responsibility:

PILLAR ONE

Every state has the Responsibility to Protect its populations from four mass atrocity crimes: genocide, war crimes, crimes against humanity and ethnic cleansing.

PILLAR TWO

The wider international community has the responsibility to encourage and assist individual states in meeting that responsibility.

PILLAR THREE

If a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action, in a timely and decisive manner and in accordance with the UN Charter.

[51] - Global Centre for the Responsibility to Protect. *2023 Annual Report*. New York: Global Centre for the Responsibility to Protect, 2023.

For decades, the United Nations maintained that sovereignty must be respected. But after a series of conflicts in the 1990s, including the Rwandan genocide and wars in the former Yugoslavia, scholars and diplomats reevaluated this thinking. This led in 2005 to UN members endorsing what became known as the responsibility to protect (R2P) doctrine, which states that countries have a fundamental sovereign responsibility to protect their citizens. If they fail to do so, that responsibility falls to the United Nations system, which may take steps to protect those vulnerable people, violating the sovereignty of the relevant country if needed. In other words, countries acting under UN auspices can use all means necessary—including military intervention—to prevent large-scale loss of life.

The R2P doctrine was put to the test in 2011 amid Libya's civil war. But the destabilizing effects of that humanitarian intervention and its evolution into a regime-change operation have once again led world leaders to debate the delicate—and divisive—balancing act between respecting sovereignty and protecting human rights. This timeline traces the evolution of humanitarian intervention to show how R2P came into existence and looks to its uncertain future after its controversial implementation in Libya [52].

Legal and Normative Frameworks

_R2P is **not a legally binding obligation**, but a **political and moral norm**.

_It builds on **existing international law**, such as:

- The Genocide Convention (1948),
- The Geneva Conventions (1949),
- International Human Rights Law,
- The Charter of the United Nations (especially Chapter VII).

[52] - Council on Foreign Relations. "Building Blocks: The Rise and Fall of the Responsibility to Protect." *World101*. Accessed May 28, 2025. https://world101.cfr.org/understanding-international-system/building-blocks.

Criticisms and Challenges

- **Selectivity and double standards**: Why Libya but not Syria, Yemen, or Myanmar?
- **Sovereignty vs. intervention**: Debate between global norms and national self-determination.
- **Implementation gap**: Lack of clear criteria or mechanisms.
- **Misuse of R2P**: Concerns that R2P can be abused for geopolitical or regime change agendas.

In response to critiques, new frameworks emerged:

- **Responsibility While Protecting (RWP)** – proposed by Brazil (2011): Emphasized **precaution, proportionality, and accountability** in the use of force.
- Responsible Protection (RP) – proposed by China (2012): Emphasized state sovereignty, non-intervention, and balanced decision-making.

Lecture N .09 Responsibility while Protecting

The concept of **Responsibility While Protecting (RWP)** emerged as a response to challenges and controversies surrounding the implementation of the **Responsibility to Protect (R2P)** doctrine, particularly after the NATO intervention in Libya (2011). Proposed mainly by Brazil and supported by other Global South actors, RWP aims to introduce **greater caution, accountability, and respect for sovereignty** in humanitarian interventions.

The Brazilian-proposed concept of 'responsibility while protecting' (RWP) has polarized opinion on how the international community should respond when civilian populations are targeted. RWP's supporters claim it would make civilian protection interventions, especially military ones, more accountable and proportionate and rein in perceived misuse of the internationally accepted 'responsibility to protect' (R2P). Some of RWP's opponents see it as a deliberate ploy by states aligned with China and Russia to impede intervention. In reality, this debate is a distraction from less comfortable truths about R2P.

Brazil's United Nations delegation presented a concept note proposing RWP to the UN Security Council in November 2011, days after the end of the North Atlantic Treaty Organization (NATO) operation in Libya and the killing of Libya's former president, Muammar Gaddafi. The Brazilians argued that the Libya mission demonstrated a need for clarity over R2P. For the Brazilians, the mission had gone far beyond its R2P-based Security Council mandate and was in fact more about ousting the Gaddafi regime than protecting civilians—a view also voiced by several other emerging powers, notably India and South Africa. NATO, in contrast, saw the Libya mission as a success—a quick, decisive intervention that eliminated a major threat to civilians, well within the parameters of R2P [53].

[53] - Avezov, Xenia. "'Responsibility While Protecting': Are We Asking the Wrong Questions?" *Stockholm International Peace Research Institute*, January 2013. https://www.sipri.org/node/409.

From the 'responsibility to protect' to 'responsibility while protecting'

One of the most contentious aspects of the original RWP note is the idea that the three pillars of R2P 'must follow a strict line of political subordination and chronological sequencing'. Before military action is taken, all possible diplomatic solutions must be pursued and exhausted and a 'comprehensive and judicious analysis of the possible consequences' carried out. Where R2P allows flexibility, these requirements of RWP would inevitably delay action—incompatible with the idea of stopping an imminent or ongoing mass atrocity.

While R2P emphasizes the limits of state sovereignty, RWP reimposes limits on the international community's ability to override sovereignty in order to protect populations. RWP even back-pedals on R2P's fundamental principle of a collective responsibility to protect populations by any means necessary, stipulating that situations must be 'characterized as a threat to international peace and security' before any coercive measures can be used.

The RWP concept also further limits the conditions for and likelihood of military action, stating that 'The use of force must produce as little violence and instability as possible and under no circumstance can it generate more harm than it was authorized to prevent.' While this is laudable in principle, it would be nearly impossible to guarantee in a situation like the Syrian uprising that began in 2011, in which both the state and the fragmented opposition stand accused of mass atrocities. The Syrian conflict also affects multiple internal and external actors including Iran, Israel, Lebanon and Turkey, adding regional escalation to the inherent risks of intervention. Given the emphasis on accountability that guides RWP, the interveners would be held accountable for negative outcomes [54].

The main contribution of the RwP note was its attempt to operationalize the RtoP concept and that it established a set of guidelines to orient the Security Council and other involved states in contemplating and setting up an RtoP-based intervention:

[54] -Avezov,op-cit, p.1.

1- Just as in the medical sciences, prevention is always the best policy. It is the emphasis on preventive diplomacy that reduces the risk of armed conflict and the human costs associated with it;
2- The international community must be rigorous in its efforts to exhaust all peaceful means available in the protection of civilians under threat of violence, in line with the principles and purposes of the Charter of the United Nations and as embodied in the 2005 Outcome Document;
3- The use of force, including in the exercise of the responsibility to protect, must always be authorized by the Security Council, in accordance with Chapter VII of the Charter of the United Nations, or, in exceptional circumstances, by the General Assembly under its Resolution 377 (5);
4- The authorization for the use of force must be limited in its legal, operational and temporal elements. The scope of military action must abide by the letter and the spirit of the mandate conferred by the UNSC or the UNGA, and be carried out in strict conformity with International Law, in particular International Humanitarian Law and the International Law of Armed Conflicts;
5- The use of force must produce as little violence and instability as possible. Under no circumstances can it generate more harm than it was authorized to prevent;
6- In the event the use of force is contemplated, action must be judicious, proportionate and limited to the objectives established by the Security Council;
7- These guidelines must be observed throughout the entire length of the authorization, from the adoption of the resolution to the suspension of the authorization by a new resolution;
8- Enhanced UNSC procedures are needed to monitor and assess the manner in which resolutions are interpreted and implemented to ensure responsibility while protecting;
9- The Security Council must ensure the accountability of those to whom authority is granted to resort to force" [55].

We can say that Responsibility while protecting' (RwP) concept, is a proposed addendum authored to ensure clearer criteria and greater accountability of UN-authorized military interventions. Launched by the Brazilian government in the

[55] - Serbin, Andrés. "Brazil's Responsibility While Protecting: A Failed Attempt of Global South Norm Innovation?" *Pensamiento Propio* 41,2015, p.172-173.

aftermath of the intervention in Libya, in late 2011, it temporarily turned Brazil into a key actor in the global discussions about R2P.

RwP made an important political and analytical contribution to the normative development of R2P. It helped bridge a growing polarization in the aftermath of the Libya intervention, moving the debate from whether to prevent mass atrocity crimes to how to go about it. In addition, RwP called for the establishment of a code of ethics for the practical operationalization of R2P, particularly in its coercive dimensions [56].

RWP in Relation to R2P

Aspect	Responsibility to Protect (R2P)	Responsibility While Protecting (RWP)
Focus	Protect populations from mass atrocities at all costs	Protect populations with caution, balancing intervention and sovereignty
Use of Force	Authorized if peaceful means fail	Emphasizes caution and proportionality in the use of force
Sovereignty	Conditional on protection responsibility	Stronger emphasis on preserving sovereignty
Accountability	Lacks explicit mechanisms	Calls for clear accountability and transparency

Implications for International Security :

- RWP reflects growing skepticism among some states regarding unilateral or poorly coordinated interventions.

[56] - Stuenkel, Oliver. "Responsibility While Protecting." In *The Oxford Handbook of the Responsibility to Protect*, edited by Alex J. Bellamy and Tim Dunne. Oxford: Oxford Academic, 2016. Online edition 2016, p.2.

- It seeks to reduce the politicization of humanitarian interventions.
- Advocates for RWP argue that this framework can **increase the legitimacy and effectiveness** of international responses to crises.

Criticisms of RWP :

- Some view RWP as an attempt to **water down the original R2P commitment** and limit international action.
- Risk of **delaying urgent interventions** due to procedural caution.
- May be used as a shield by states reluctant to uphold human rights standards.

RWP represents an important evolution in the debate over humanitarian intervention, aiming to balance **effective protection of civilians** with **respect for state sovereignty and international law**. Understanding RWP is essential for grasping the current dynamics and contestations in international humanitarian norms.

Lecture N .10: Responsible Protection (RP)

After Brazil´s RwP note, China followed suit with the presentation of a document on "Responsible Protection" (RP), which was part of the display of criticisms and contestation from the Global South to the norm,16 but it was clear that there was no monolithic response of support by the BRICS bloc. However, the different nuances expressed in their criticisms or the full rejection by the members of the bloc of the RtoP norm, and particularly pillar III, after Libya, reflect the disparity of positions and national interests by the members of the BRICS, but also marked an important step in the terms of the contestation of a global norm mostly promoted by the Western countries, as a relevant dimension of the reconfiguration of power relations in the international system. Within this context, Brazil's RwP and China's RP initiatives represented more restrictive interpretations of pillar III [57].

The RP concept was developed in 2012 by Ruan Zongze, a Chinese scholar. Although it has not yet been formally adopted as official Chinese policy.

We can say that the concept of **Responsible Protection (RP)** emerged as a **Chinese alternative** to the Western-led **Responsibility to Protect (R2P)** doctrine. In the wake of the **NATO intervention in Libya (2011)**, which was criticized for overreach and regime change, China voiced concerns over the misuse of humanitarian intervention. In 2012, Chinese scholar **Ruan Zongze**—associated with China's Ministry of Foreign Affairs—formally proposed RP to **re-emphasize state sovereignty, non-intervention, and legitimacy** in global governance.

Elements of RP :

First, the object of RP must be made clear. Of course, it is the people of the target country and peace and stability of the relevant region. The objects of protection must be the innocent people, not specific political parties or armed forces. Only such kind of protection is rightful and well-intentioned and is protection in its true sense.

[57] -Serbin,op-cit, p.177.

Second, the legitimacy of the ‘‘protection’’ executors must be established. The government of a given state bears the primary responsibility of protecting its citizens. Besides that, the UN Security Council is the only legitimate actor to perform this duty while no countries have such a right, let alone the legal status to do so.

Third, the means of ‘‘protection’’ must be strictly limited. The prerequisite for invoking protection should be exhaustion of diplomatic and political means of solution. Nonmilitary means like diplomatic efforts, though time-consuming, produce long-lasting results with lesser side effects. On the contrary, using military force at every turn would not only cause huge civilian casualties but also bring severe damage to infrastructure and downturn of national economy in the country or region to be ‘‘protected’’, eventually aggravating humanitarian disasters and plunging the object of ‘‘protection’’ into protracted and distressful post-crisis reconstruction.

Fourth, the purpose of ‘‘protection’’ must be defined. Just as doctors should not kill patients by means of treatment, the purpose of protection must be to mitigate humanitarian catastrophe. It is absolutely forbidden to create greater humanitarian disasters because of protection, let alone to use protection as a means to overthrow the government of a given state.

Fifth, the ‘‘protectors’’ should be responsible for the post-’’intervention’’ and post- ’’protection’’ reconstruction of the state concerned. They should absolutely not smash and go, leaving a terrible mess to the country and people subject to ‘‘protection’’.

Sixth, the United Nations should establish mechanisms of supervision, outcome evaluation and post factum accountability to ensure the means, process, scope and results of ‘‘protection’[58].

In general, it can be said that the attempts of the Brazilian and Chinese initiative to develop a more stringent legal basis for protection were not successful, given the failure to address the role of the Security Council as the sole actor entitled to intervention and protection. The real problem here relates to giving the

[58] - Garwood-Gowers, Andrew. “China’s ‘Responsible Protection’ Concept: Reinterpreting the Responsibility to Protect (R2P) and Military Intervention for Humanitarian Purposes.” *Asian Journal of International Law* 6, no. 1 ,2016, pp.98- 111.

Security Council full authority to approve this principle, which created a set of challenges hindering its implementation.

If we observe the initial draft of the principle of the responsibility to protect, we find that it stipulated not to use the right of veto in the Security Council when it came to activating the principle of the responsibility to protect. However, the amendments made to the draft emptied this principle of essential value, and thus this alternative approach to intervention was aborted. Even before its activation, which requires structural and fundamental reform in the United Nations system and the role of the Security Council in humanitarian intervention.

Criticism of Responsible Protection :

While RP promotes sovereignty and legitimacy, it also faces criticism:

- **May enable inaction** in the face of atrocities
- Could be used by authoritarian regimes as a **shield against international scrutiny**
- **Too state-centric**, potentially neglecting human security.

Lecture N .11: International Humanitarian Law

What is international humanitarian law?

International Humanitarian Law (IHL) is a body of rules that, in times of armed conflict, seeks to protect persons who are not participating in hostilities and restricts the means and methods of warfare. It is sometimes referred to as the **"law of war"** or **"law of armed conflict."** IHL is distinct from **international human rights law**, though the two intersect during times of war.

We can say also that,international humanitarian law is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the law of war or the law of armed conflict. International humanitarian law is part of international law, which is the body of rules governing relations between States. International law is contained in agreements between States – treaties or conventions –, in customary rules, which consist of State practise considered by them as legally binding, and in general principles. International humanitarian law applies to armed conflicts. It does not regulate whether a State may actually use force; this is governed by an important, but distinct, part of international law set out in the United Nations Charter [59].

In sum, we can say that IHL is a branch of public international law consisting of treaty-based or customary rules and regulations that aim to limit the harm caused by armed conflicts by protecting individuals, preserving their dignity and property. International humanitarian law is based on:

- The four Geneva Conventions of 1949
- The two 1977 Protocols related to international and non-international armed conflicts
- The Hague Conventions of 1899 and 1907

In summary, international humanitarian law governs the conduct of warring parties during armed conflicts and wars.

[59] -Advisory service on IHL, 2004, p.2.

As for military operations, international humanitarian law refers to them as "hostilities," and Common Article 3 of the Geneva Conventions and the customary rules of international humanitarian law emphasize the humane treatment of all individuals who fall into captivity, as well as the care of the wounded, including enemy combatants, without discrimination.

In the context of international conflicts, there is a specific status known as "prisoners of war" — a special status granted by the Third Geneva Convention to enemy soldiers who fall into captivity during international armed conflicts[60].

According to the **International Committee of the Red Cross (ICRC)**:

"International humanitarian law is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict."[61]

International humanitarian law is sometimes called "the law of war" or "the law of armed conflict."

IHL consists of rules for armed conflict intended to limit the impacts of violence, whether internal or between states.

The evolution of International humanitarian law :

The evolution of international law related to the protection of war-victims and to the conduct of war has been strongly affected by the development of human rights legal protection after the Second World War. The adoption of important international instruments in the field of human rights-such as the Universal Declaration of Human Rights (1948), the European Convention on Human Rights (1950) and the International Covenant on Civil and Political Rights

[60] -Lectures inspired by the books of Ammar Bouhouche and Mabrouk Ghodban on international relations.

[61] -ICRC, Introduction to IHL, 2004, p. 3.

(1966)-contributed to affirm the idea that everyone is entitled to the enjoyment of human rights, whether in time of peace or war. During wartime or public emergency, however, the enjoyment of certain human rights may be restricted under certain circumstances. Article 4 of the International Covenant on Civil and Political Rights allows States to take measures temporarily derogating from some of their obligations under the Covenant "in time of public emergency which threatens the life of the nation", but only "to the extent strictly required by the exigencies of the situation".

Article 15 of the European Convention on human rights contains a similar rule. Annually the Sub- Commission on Prevention of Discrimination and Protection of Minorities carries out a review of states of emergency and respect for human rights during such situations. However, the need of safeguarding human rights even during wartime has been fully recognized; article 3 of the four Geneva Conventions on humanitarian law of 1949 provides that in times of armed conflict persons protected by the conventions should "in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria".

At the forthcoming 43rd session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (5-30 August 1991) a report of the Secretary-General on education regarding respect for human rights in armed conflicts will be presented under item 4 of the provisional agenda (E/CN.4/Sub.2/1991/5). Two years ago the Sub-Commission adopted resolution 1989/24 on "Human rights in times of armed conflict", deploring the frequent lack of respect during such conflicts of relevant provisions in international humanitarian law and the law of human rights. At its forty-sixth session the Commission on Human Rights adopted resolution No. 1990/60 recognizing the vital role of the International Committee of the Red Cross in the dissemination of international humanitarian law and calling upon States "to give particular attention to the education of all members of security and other armed forces, and of all law enforcement agencies, in the international law of human rights and international humanitarian law applicable in armed conflicts". Three main currents have contributed to the making of international humanitarian law. They are the "law of Geneva", represented by the international Conventions and Protocols established under the aegis of the International Committee of the Red Cross (ICRC) with the protection of the victims of conflict as their central concern; the "law of The Hague", based on the results of the Peace Conferences in the capital of the Netherlands in 1899

and 1907, which dealt principally with the permissible means and methods of war; and the efforts of the United Nations to ensure that human rights are respected in armed conflicts and to limit the use of certain weapons[62].

Main Sources of IHL

Source	Description
Geneva Conventions (1949)	Core treaties of IHL, focusing on the protection of victims
Additional Protocols (1977)	Expand protections in modern warfare contexts
Hague Conventions (1899 & 1907)	Regulate the conduct of hostilities
Customary IHL	Derived from state practice and opinio juris
International treaties and case law	Including ICC, ICTY, ICTR, and ICJ jurisprudence

Source :
Henckaerts, Jean-Marie and Doswald-Beck, Louise. *Customary International Humanitarian Law*, Volume I. Cambridge University Press, 2005. (pp. 12–34)

Core Principles of IHL :

a. Distinction

Parties must always distinguish between **combatants** and **civilians**. Only combatants may be lawfully targeted[63].

b. Proportionality

[62] -OHCHR, 1991, p.1.
[63] - Geneva Convention IV (1949), Art. 3; Additional Protocol I (1977), Art. 48–51

Attacks should not cause excessive civilian damage in relation to the military advantage[64].

c. Military Necessity

Use of force must be necessary to achieve legitimate military objectives.

d. Humanity (No Unnecessary Suffering)

Weapons and tactics that cause superfluous injury or unnecessary suffering are prohibited[65].

Protected Persons and Objects

Protected	**Examples**
Civilians	Must not be targeted
Medical personnel	Protected under Geneva Conventions
Prisoners of war	Geneva Convention III
Cultural property	Hague Convention (1954)
Humanitarian workers	Subject to special protections

Source : Sassòli, Marco. *International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare*. Edward Elgar Publishing, 2019. (pp. 150–182).

We can say that ,IHL is a crucial legal framework designed to preserve a minimum of humanity during armed conflict. Despite its challenges, it remains a vital tool for protecting civilians and maintaining international order. The future of IHL depends on the international community's commitment to **enforcement, modernization, and universality**.

[64] - Additional Protocol I, Art. 51(5)(b)

[65] - Hague Convention IV (1907), Art. 23

Lecture N. 12 :When does international humanitarian law apply?

International humanitarian law applies only to armed conflict; it does not cover internal tensions or disturbances such as isolated acts of violence. The law applies only once a conflict has begun, and then equally to all sides regardless of who started the fighting. International humanitarian law distinguishes between international and non-international armed conflict. International armed conflicts are those in which at least two States are involved. They are subject to a wide range of rules, including those set out in the four Geneva Conventions and Additional Protocol I. Non-international armed conflicts are those restricted to the territory of a single State, involving either regular armed forces fighting groups of armed dissidents, or armed groups fighting each other. A more limited range of rules apply to internal armed conflicts and are laid down in Article 3 common to the four Geneva Conventions as well as in Additional Protocol II [66].

IHL applies to:

- **International armed conflicts** (between states)
- **Non-international armed conflicts** (between a state and non-state actors, or between non-state actors).

[66] -Advisory service on IHL, 2004, p.2.

violation of international humanitarian law

International humanitarian law forbids intentional attacks on civilians. Targeting them or critical civilian infrastructure–such as hospitals–could constitute a war crime. It also prohibits attacks on military objectives that do not take adequate precautions to avoid collateral harm to civilians.

IHL prohibits torture and ill-treatment of people in detention, attacks on humanitarian or medical workers, and the use of certain weaponry such as chemical or biological weapons. It also covers the obligations parties to conflict have when it comes to allowing humanitarians to reach people in need.

Lecture N .13: International Human Rights Law

1.What is human rights law?

International human rights law refers to the body of international law designed to promote and protect human rights at the international, regional and domestic levels [67].

2.The evolution of human rights law :

The international human rights movement was strengthened when the United Nations General Assembly adopted of the Universal Declaration of Human Rights (UDHR) on 10 December 1948. Drafted as ‘a common standard of achievement for all peoples and nations', the Declaration for the first time in human history spell out basic civil, political, economic, social and cultural rights that all human beings should enjoy. It has over time been widely accepted as the fundamental norms of human rights that everyone should respect and protect. The UDHR, together with the International Covenant on Civil and Political Rights and its two Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights, form the so - called International Bill of Human Rights [68].

So, IHRL is a relatively modern branch of public international law. It is defined as a set of fundamental freedoms inherent to all humanity, prohibiting violations and requiring their application to all people in the spirit of justice and equality. That is, every human being is born free and equal in dignity and rights.

International human rights law is concerned with the protection of human rights under all circumstances, in both peace and wartime (such as freedom of the press and the right to vote...).

The sources of international human rights law include:

- The Universal Declaration of Human Rights (10 December 1948)
- The International Covenant on Civil and Political Rights (11 December 1966)

[67] -RAIO Directorate,2019,p.11.

[68] -UN OHCHR, 2023.

- The International Covenant on Economic, Social and Cultural Rights (1966)

The Relationship Between International Humanitarian Law and Human Rights Law:

International humanitarian law and human rights law are both branches of public international law. While they are distinct, they complement one another. Both aim to protect individuals from arbitrary acts. Human rights are inherent to human nature and protect individuals at all times—during both armed conflict and peacetime.

International humanitarian law, however, is specifically applicable during armed conflicts. Therefore, both human rights law and international humanitarian law are applied in a complementary manner during armed conflicts.

International humanitarian law has abandoned the use of the term “war” and instead uses the term “armed conflict” to describe specific situations involving the use of force. Generally, international humanitarian law applies in the following cases:

- International armed conflicts
- Non-international armed conflicts
- Internal conflicts

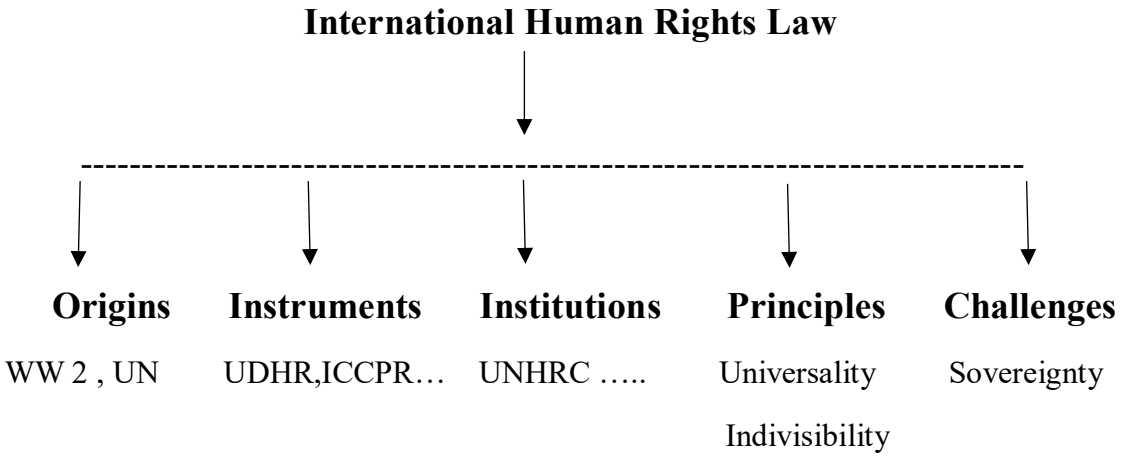
Situations that fall outside the scope of international humanitarian law include internal tensions and disturbances, as these types of violence are not considered "armed conflicts" under the rules of this body of law[69].

[69] -Lectures on International Relations are inspired by the books of Ammar Bouhouche and Mabrouk Ghodban on international relations.

Key International Instruments

Instrument	Date	Legal Nature
UDHR	1948	Non-binding
ICCPR	1966	Binding
ICESCR	1966	Binding
CEDAW	1979	Binding
CAT	1984	Binding
CRC	1989	Binding

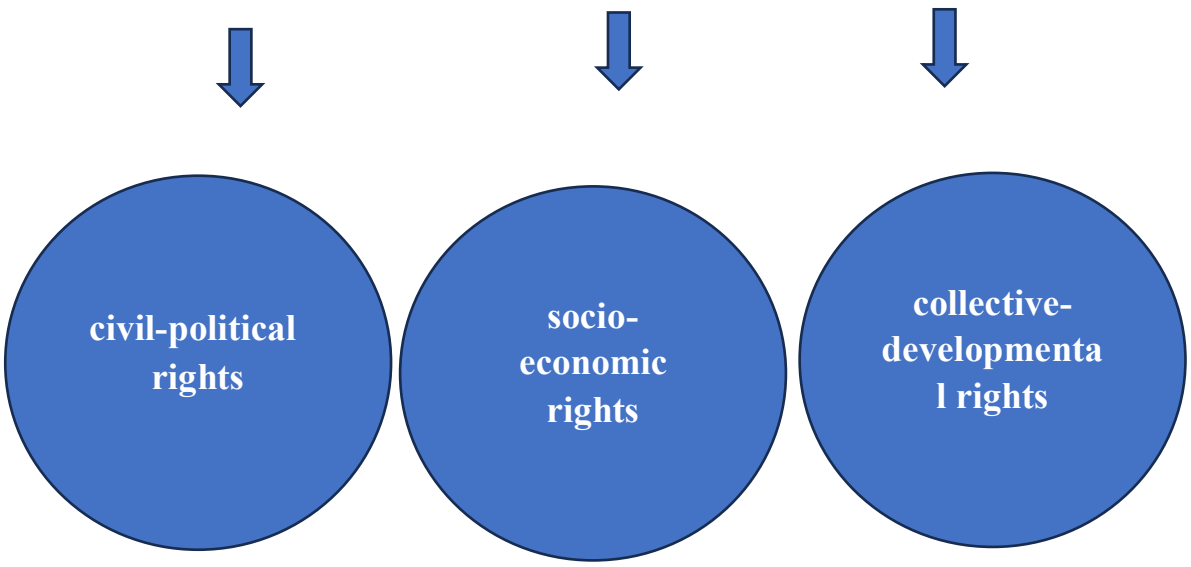
Reference: Buergenthal, T., Shelton, D., & Stewart, D,*International Human Rights in a Nutshell*, West Academic,2020, pp. 54–101



International human rights law is known as the law of peace

3.Types of human rights law

There are three 03 types of human rights:



International human rights law lays down obligations which States are bound to respect. By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against

human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights [70].

[70] -UN OHCHR, 2023.

ICCPR	ICESCR
• Freedom from discrimination • Right to equality between men and women • Right to life • Freedom from torture • Freedom from slavery • Right to liberty and security of person • Right to be treated with humanity in detention • Freedom of movement • Freedom of non-citizens from arbitrary expulsion • Right to fair trial • Right to recognition before the law • Right to privacy • Freedom of religion and belief • Freedom of expression • Right of peaceful assembly • Freedom of association • Right to marry and found a family • Right of children to birth registration and a nationality • Right to participate in public affairs • Right to equality before the law • Minority rights	• Freedom from discrimination • Right to equality between men and women • Right to work • Freedom to choose and accept work • Right to just and favourable conditions at work • Right to form trade unions • Right to strike • Right to social security • Right of mothers to special protection before and after birth • Freedom of children from social and economic exploitation • Right to an adequate standard of living • Freedom from hunger • Right to health • Right to education • Freedom of parents to choose schooling for their children • Right to take part in cultural life • Right to enjoy benefits of science • Right of authors to moral and material interests from works • Freedom to undertake scientific research and creative activity

The rights covered by the Covenants

The ICESCR and the ICCPR set out the civil, political, economic, social and cultural rights that everyone is entitled to:[71]

[71] -https://www.ohchr.org/en/what-are-human-rights/international-bill-human-rights

Lecture N .14: The future of IR and IL

In this lecture we will discover together what is the future of international law and international relations, and how legal rules can shape international relations in a world in disarray ?

Shirley Scott, "The Decline of International Law as a Normative Ideal",In this piece, Scott contrasts her view of international law with what she considers the dangers in the turn to speaking about a "rules-based order". Scott sees the project of international law as historically containing a commitment to several major principles.

First, the principle that law is politically neutral: a conception that law stands aside from politics, and creates a level playing field for state actors, to engage and to argue with each other. This principle includes the idea of formal sovereign equality.

Second, a commitment to peace through law: the idea that law contains within it the potential for objective dispute settlement, and that this is a contribution to world peace.

Third, that international law requires compliance: that compliance with your obligations is compulsory, not optional.

Fourth, critically, the idea that "it is possible to distinguish objectively between legal and illegal action". This she calls the legal/illegal dichotomy.

Fifth, the principle that, international law in its own self-conception embodies the idea that law precedes policy. That is, that law is something that already exists, and it exists before policy choices are made. It is available, its content can be ascertained, and law should therefore guide policy choices.

Finally, she sees in international law a claim that it has comprehensive coverage: the idea that all problems can be dealt with through law.

Scott regards general belief in these half a dozen propositions- to have been useful to international order. And she holds that to be- the case irrespective of whether these principles were ever wholly true. That is, if by and large states agree to conduct international relations as if these principles were true, the world is a safer and more stable place. This obviously relates to her work on

international law as an ideology. Such an ideology will favour the powerful and will reinforce the status quo. But it can be acceptable to others if the system it underpins delivers enough benefits to other states. And Scott's claim is that historically, post-World War Two, the US-led international legal order has done that ? [72].

[72] - Guilfoyle, Douglas. "The Future of International Law in an Authoritarian World." *EJIL: Talk! Blog of the European Journal of International Law*, March 4, 2019. https://www.ejiltalk.org/the-future-of-international-law-in-an-authoritarian-world/.

Concluding Notes

It can be said in general that international law plays an important role in framing international relations. The future of international relations requires strong international cooperation and coordination that focuses on enhancing trust and understanding between countries, and this can only be achieved through legal rules that reduce chaos in the international system and based on international acceptance, and the principles of equality and justice among all countries on the ground, not principles on paper that establish the hegemony of major powers and justify international interests under legal frameworks.

Over the course of these thirteen lectures, students have journeyed through the complex and dynamic interaction between **international law** (IL) and **international relations** (IR), uncovering the layered reality of global governance, legal norms, and state behavior.

The introductory lectures laid the conceptual foundation by highlighting the historical divergence and growing interdependence of IL and IR. While traditionally viewed as distinct disciplines—one legal and normative, the other political and strategic—this dichotomy is increasingly outdated. Modern global challenges demand a **hybrid approach**, recognizing that legal rules shape political choices, and vice versa.

The evolution of both fields underscores this synergy: from Westphalian sovereignty to post-WWII multilateralism, from the Cold War's legal rigidity to today's era of global interconnectivity, IL and IR have co-evolved. The **state**, as the primary subject of international law and principal actor in international relations, remains central, but no longer singular—non-state actors, international organizations, and individuals now influence outcomes across borders.

Lectures 5 through 7 provided insight into why states **sign treaties** and **comply with international norms** despite the absence of a global police force. Compliance is driven not only by coercion or self-interest but also by legitimacy, reputational concerns, and embedded norms—core themes in both liberal IR theory and institutionalist legal scholarship.

The middle lectures addressed some of the most ethically and legally charged areas: **humanitarian intervention**, the **Responsibility to Protect (R2P)**, and **the responsible protection doctrine**. These topics reflect the international community’s struggle to balance **sovereignty with human rights**, legality with

moral imperative. The UN Charter offers a legal framework, yet political realities often obstruct consistent application.

In the final segment, we turned to **international humanitarian law (IHL)**—its principles, scope, and applicability. IHL bridges IL and IR by regulating armed conflict, seeking to protect those not participating in hostilities. Yet, its application in asymmetric warfare and to non-state actors raises serious contemporary challenges.

Looking ahead, the final lecture encouraged students to reflect on **the future of IL and IR**. Emerging global threats—climate change, cyber warfare, pandemics, artificial intelligence—require adaptive legal norms and collaborative international responses. The boundaries between the two disciplines are dissolving as both fields grapple with the demands of a rapidly changing world.

UN charter

The UN Charter does not explicitly use the term "humanitarian intervention," but several of its key articles are frequently cited in legal and political debates surrounding the legitimacy and legality of humanitarian intervention. This can be found in the following articles :

Article 2 – Principles

Especially Paragraphs 4 and 7

Article 2(4):

All Members shall refrain in their international relations from the **threat or use of force** against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

Article 2(7):

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state, **except** in respect of enforcement measures under Chapter VII.

Chapter VII – Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression

This chapter is the **primary legal basis** for humanitarian intervention through Security Council authorization.

Article 39:

The Security Council shall determine the existence of any **threat to the peace, breach of the peace, or act of aggression** and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 41:

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42:

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by **air, sea, or land forces as may be necessary** to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 51 – The Right of Self-Defense

Sometimes cited in controversial cases of **unilateral intervention** (though this is legally disputed in humanitarian contexts).

Article 51:

Nothing in the present Charter shall impair the inherent right of **individual or collective self-defense** if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

Universal Declaration of Human Rights

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and the security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Geneva Convention I (for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field)

- **Article 3** – Common to all four conventions; protects persons taking no active part in hostilities (core of IHL).
- **Articles 12–16** – Protection and care of the wounded and sick.
- **Articles 24–27** – Protection of medical personnel and chaplains.
- **Article 49** – Obligation of states to enact penal sanctions (compliance and accountability).

Geneva Convention II (for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea)

- **Article 3** – Common Article 3 again applies.
- **Articles 12–18** – Protection of wounded, sick, and shipwrecked at sea.

- **Articles 36–40** – Protection of hospital ships and medical transports.
- **Article 50** – Penal sanctions.

Geneva Convention III (relative to the Treatment of Prisoners of War)

- **Article 3** – Common Article 3.
- **Articles 13–16** – Humane treatment of prisoners; respect for persons.
- **Articles 17–20** – Interrogation and conditions of captivity.
- **Articles 70–77** – Communication with the outside world.
- **Article 129–130** – Grave breaches and penal sanctions.

Geneva Convention IV (relative to the Protection of Civilian Persons in Time of War)

- **Article 3** – Common Article 3.
- **Articles 27–34** – Treatment of protected persons; prohibition of torture, coercion, collective punishment.
- **Articles 49–52** – Deportations, forced labor, and protections in occupied territories.
- **Articles 76–77** – Protection of women and children.
- **Articles 147–148** – Grave breaches, including inhuman treatment, unlawful deportation, etc.

Common Article 3 (of all four conventions) – *Often called a "mini-convention" on its own*

Provides minimum standards for the humane treatment of all persons not taking part in hostilities, including:

- Prohibition of violence to life and person (murder, torture, mutilation)
- Prohibition of taking hostages
- Prohibition of outrages upon personal dignity
- Judicial guarantees and fair trial standards

Relation to International Human Rights Law (IHRL):

Although the Geneva Conventions are part of **international humanitarian law (IHL)** and apply in **armed conflict**, many of their provisions overlap with **IHRL**, particularly:

- Prohibition of torture (mirrored in ICCPR, CAT)
- Right to life and due process
- Protection of civilians and detainees

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