

## **Requirements for the Implementation of the Rules of International Law: Between the Obligations of Enforcement and Consolidation, and the Necessity of Renewal and Development**

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### **Abstract:**

The idea of international organization came about as a reaction to changes in the world and the need to develop a legal framework ensuring international peace and security after wars involving the aftermath of massive human rights abuses. Therefore, this study seeks to study the actual effectiveness of rules in International Law between the requirements of enforcement and consolidation, and the need for renewal and development (it will rely on a descriptive and analytical method of study through international treaties and statutes). This study reveals gaps between codification and practice, where the position of major powers still impedes the activation of those legal norms and allows them to manipulate those same norms to serve their interests, making them even less enforceable and ineffective. The findings also reveal that double standards and politics are keys to the difficult process of implementation of International Law and

represent the main obstacles to achieving justice and equitability among states. The study concludes with the recommendation to revise decision-making processes in international organizations with a focus on granting space for developing nations to provide significant input in decision-making processes and establishing a global culture of law that respects fairness and human dignity as two main elements necessary for a global legal framework that provides more equity and justice in the conduct of international affairs.

**Key words:** International law – Implementation – Renewal – Justice – Global governance.

### **Introduction**

The concept of international organization was born out of rapid changes happening in the world and the world's move towards the necessity of creating a system of coexistence among countries through a legal system, under

an international community whose ultimate mission is to promote peace and security for all without exception (Karns et al., 2015b). This became very important after the terrible wars mankind has experienced through the years that left detriment to human life in every conceivable way violating the very rights and freedoms of human beings due to their humanity (Benhabib, 2013).

Those wars overshadowed the foundations of security and protection, prompting efforts to move beyond the era of crises by establishing a legal mechanism encompassing all the requirements for a dignified life. This led to the creation of a global community with humanitarian dimensions, one that eliminates all geographical barriers under a legal system whose core objective is to build and protect this community through strong safeguards that preserve it from violation and abuse (Klabbers, 2022).

The worldwide action initiated its mobilization process to establish a comprehensive legal system that quite fully addresses all economic, social, cultural, and political dimensions. In addition, international legal texts (custom and conventions) began to take shape gradually - some with agreement from the outset, others were amended or abolished with a view to achieving full compliance and adherence to the texts without punishment or violation (Shaw, 2017). Consequently, the rules of international law began to resonate on the global stage,

addressing all states without exception, including those that did not participate in their formulation. This is justified by the obligatory nature of applying international legal rules even to entities that did not contribute to their creation, a fact confirmed by the binding force of customary international rules upon states that take part in forming their material element (Koskenniemi, 2006).

The global movement started mobilizing to create a holistic legal system that could address the economic, social, cultural, and political dimensions in a satisfactory manner. At the same time, international legal texts—both customary and conventional—gradually began to emerge; some were solidified from the beginning, while others were amended or repealed later in the spirit of full satisfaction and compliance with their content, without exerting coercion or threat (Shaw, 2017). Thus, the rules of international law began to resonate globally, regulating all states, including those that didn't participate in their drafting. This is justified by the binding nature of international legal norms on states, regardless of non-participation; this would be furthered, in the case of customary international law, by the obligatory nature of conventional law on states that help constitute their material content (Aust, 2013).

The global legal system in the modern era has reached the peak of its development in all fields. As a result of these efforts, a legal framework has been established that can, to

some extent, protect international societies. Institutions were created to handle legislation, others to carry out implementation, and bodies to ensure the judicial aspect (Karns et al., 2015a). This has led to unprecedented levels of progress never before witnessed in history. However, the lived reality tells a different story—it reflects significant advancement in legal codification, yet also reveals a considerable delay in the actual enforcement and implementation of these norms.

After many arduous and complex steps, these monumental efforts produced a large number of international legal texts and rules to reflect the aspirations and hopes appended to them; however, the results did not altogether meet expectations. The efforts were primarily responsible for halting the greatest causes of devastation in the world at that particular time, although did not end it entirely, and the world witnessed the emergence of new forms of warfare, similar only that they proceeded to the exclusion of conventional weapons and military force (Dinstein, 2017).

The significance of this topic is in investigating the legal status of international law, which will undoubtedly affect its future since its foundations and origins set the direction of its path and dictated how one would apply it by its foundations or to the hindrance of obstacles it faces (Murphy, 2019). Accordingly, this study seeks to underline the particular areas with respect to the dominance by powerful states in world affairs—a

dominance that has resulted in the application of international legal norms to no longer follow intended pathways. This web of issues creates reasonable doubts about some of the international legal norms' long-term effectiveness and a re-evaluation of the global dimensions to the application of international law (Dinstein, 2017).

Based on this, the following main question can be raised: To what extent can the rules of international law be renewed in a way that ensures their implementation and consolidation?

In other words, how effective are the rules of international law in light of the persistence and escalation of violations and breaches?

## **1- The Effectiveness of International Law Rules Between the Necessity of Implementation and the Reality of Violations and Breaches: The Beginning of the Decline of Their Binding Force and Applicability**

The criteria for the application of international law have expanded and diversified based on great powers' adjustment of its provisions to conform to their interests and needs. International law has gained broad acceptance worldwide as the legal basis for the legitimacy of any action carried out by a state or any entity at an external or internal level, whether international or non-international (Crawford & Brownlie, 2019). For a period, international law was effective at establishing

the legal framework that domestic laws are passed using national legislatures. To this day, national legislatures continue to consider international law when passing their own internal legislation, especially in cases of human rights (Shaw, 2017).

While this may seem to be the case at face value, it is truly the opposite. In fact, the rules of international law have been the foundation of all other legal regimes; however, actual application has been difficult and steeped with tensions, often spurred accusations by the motives of various actors. The situation complicates the actual position of international law within the global legal system and results in a violation of the very standard that allows for the enforceability of legal rules based on the character of international law (Klabbers, 2022).

### **1-1 The Status of International Law Rules within the Global Legal System: A Prospective Approach**

The set of international rules was formed in response to a number of factors that necessitated the establishment of an international system and the creation of binding international norms to which all members of the international community must adhere. This need arose from the growing necessity of having a governing authority whose orders and decisions everyone would work to implement, in order to rescue humanity from the life of injustice, tyranny,

and enslavement it endured under dictatorial regimes that plunged mankind into cycles of violations and wars that devastated human lives in various ways. However, these rules were temporary and non-permanent; their physical and tangible presence reflected the human dimension that called for the establishment of a global order. Yet, when examining their moral and obligatory existence, we find that it is gradually fading away day by day.

Customary international rules have also played an important role in establishing the international legal system, as they are considered binding rules that take effect without the need for specific implementation conditions. These rules are enforceable against all parties, regardless of whether the person to whom they apply has contributed to their moral element or not. Customary rules have benefited from the significant role played by various international organizations, and the importance of international custom as a source of international law has been affirmed in Article 38 of the Statute of the International Court of Justice.

A set of international rules was established, yet they were temporary and unsustainable. While their physical presence can be observed, their moral and binding force seems to be fading day by day. These rules were originally intended to have an unlimited temporal scope and universal spatial applicability, transcending borders and barriers. However,

the current reality proves otherwise, revealing the existence of international rules that lack effectiveness—rules whose binding nature is applied according to interests, inclinations, power, and dominance (Klabbers, 2020).

In examining the concept of international law rules, it becomes clear that they fall within a set of international behaviors characterized by a binding nature, where generality and abstraction converge—both of which inevitably stem from the explicit or implicit will of the international legislator.

However, the application of international law rules has posed one of the greatest challenges, especially after the balance of power shifted and strong nations, empowered by their economic and technological superiority, imposed their authority (Klabbers, 2020). This has led to doubts and contradictions regarding the very existence of those rules. Yet, the main purpose of the international legal system—which enforces the necessity of coexistence and gave rise to these rules—has granted them a binding character. Nevertheless, this binding force is not applied equally to all.

Despite these disparities accompanying international law, its existence remains essential, as it regulates relations among societies by defining and clarifying the set of rights and freedoms enjoyed by each group—even when these very rules have been politicized and violated under the pretext of their own protection (Klabbers, 2022).

We can also observe that international law rules related to the protection of human rights have had a significant global impact, becoming a key reference source for other related laws. These rules are often relied upon by national authorities when drafting and determining their citizens' rights (Ebbesson & Hey, 2022).

However, the main issue does not lie in legislation or development, but rather in implementation, activation, and consolidation. In contemporary society, considerable attention and consideration has already been given to these principles; however, what we really need to focus on their practical elevations, transitioning them from ink on paper to effective, enduring principles that live on in the duration of time unaffected the interests of those who impede the enforcement of these principles and their goal of ensuring they are used effectively and fairly (Taulbee & Von Glahn, 2022).

### **1-2 Violation of the Standard Supporting the Enforcement of International Law Rules: Undermining the Principle of Obligation**

The establishment of international law rules through the dominance of decisions and opinions of powerful and major states has had a profound impact on their enforcement. This process has produced a set of rules that primarily serve the interests of those great powers, which have also come to use them as a tool against weaker states, intervening in

their internal affairs under the pretext of implementing international law.

The great powers, led by the United States of America, have managed to violate the global order by selectively applying or disregarding international rules according to their own interests, in line with their hegemonic doctrine of maintaining control over international affairs. In doing so, they have adapted their approach to circumstances and contexts, oscillating between the use of force and soft power, and have used the issue of human rights as their main tool to implement their decisions and achieve their objectives.

The United States of America has exerted control over the internal functioning of the United Nations by diverting it from the path leading to the achievement of the objectives for which it was established. Referring to the United Nations, particularly the veto power granted to its permanent member states and the influence this power has in steering the organization away from its foundational principles, it becomes evident that the organization has been led astray from its primary purpose—namely, to prevent wars and international violations that had brought humanity to some of its darkest eras. The states possessing this right have used it purely for their own interests, causing the organization to deviate from its founding charter. Consequently, the United Nations has become an institution whose name no longer reflects its actions, effectively turning it into an

instrument serving the personal interests of the veto-holding powers.

Considering the role of the International Criminal Court, we find that it has followed in the footsteps of the United Nations and has become merely a tool in the hands of the great powers—particularly in light of its relationship with the United Nations Security Council and Article 16 of the Rome Statute. This article grants the Council the authority to request the deferral of any investigation or prosecution for a period of 12 months, provided that the request is made under Chapter VII of the UN Charter, with the possibility of renewing the request for another term. This represents one of the most dangerous privileges granted to the veto-holding states within the Security Council in their dealings with the International Criminal Court.

By maintaining control over global affairs and relying on the range of powers and privileges granted to them, the great powers have succeeded in steering the course of international dynamics in ways that serve their own interests. In doing so, they have exploited a number of principles to manipulate outcomes in a manner that contradicts the very purposes for which those principles were originally established. The most prominent of these tactics has been the implementation of double standards and the adoption of policies based on dual criteria.

Consequently, powerful states have used a variety of means and methods to evade

compliance with international law and avoid fulfilling the obligations of international law. One of the key arguments made in this regard is that these rules are arguably unconstitutional because they violate national constitutions (Shereshevsky, 2025). The United States has cited this rationale on multiple occasions to refuse to ratify treaties, citing the inherent perfection of the Constitution. It argues that ratification of international instruments constrains the very legal structure established to protect its people and citizens.(Moore, 2016)

Other states have made their refusal to comply with the rules justifiable by saying that they did not participate in the decision-making or rule-making of these rules, mostly because of wars or just being not up to modern global developments (Berman, 2012). In addition, many Islamic countries have relied on Islam as their main reason for countering other countries to justify their decisions of not separating from the global format- especially on human rights issues. Their answer comes from the fact that great powers get set up rights and freedoms in opposition to Islamic learning, under the guise of it being "global human rights" but countries view as Western human rights, not actual human rights (Almahfali & Avery, 2023).

## **2- Indicators of Modernizing Effective International Rules: The International**

### **Norm in the Face of the Necessity for Enrichment and Change**

The rules of international law are regarded as peremptory norms that impose obligations on all parties. Articles 28 and 46 of the Vienna Convention on the Law of Treaties stipulate that states may not invoke their domestic laws as justification for failing to implement the provisions and rules of international law. Through this principle, international law has secured for itself a position at the top of the hierarchy of legal norms.(Tourkiya, 2020, p. 328)

Article 28 of the Vienna Convention on the Law of Treaties provides: "No state may invoke its internal law as justification for its failure to perform a treaty."

Article 46 provides: "A state may not invoke the fact that its consent to be bound by a treaty was expressed in violation of a provision of its internal law regarding the competence to conclude treaties as invalidating its consent, except where such violation was manifest and concerned a rule of fundamental importance."

The concept of peremptory norms of international law (*jus cogens*) has not been precisely defined due to the ambiguity surrounding it. In this context, we rely on Article 53 of the Vienna Convention on the Law of Treaties, which provides: "A peremptory norm of general international law is a norm accepted and recognized by the international community of states as a whole,

from which no derogation is permitted, and which can be modified only by a subsequent norm of general international law having the same character."

On this basis, the vital role played by international law rules in establishing a comprehensive global system that prioritizes progress and prosperity within an environment of international peace and security can never be denied. From the founding of the United Nations to the creation of various international and regional organizations, and through the adoption of numerous treaties and legal instruments up to the present day, international law has undergone remarkable development—an evolution recognized across all eras of human history (Karouj; Shaw, 2017, p. 29).

Given the tremendous and rapid development the world is witnessing today across all fields, it has become inevitable to move beyond the foundations of international law that were established in an era dominated by wars, insecurity, and widespread crimes against humanity. The current situation calls for renewal and the adoption of the advances brought forth by science and contemporary reality—advances that, by virtue of their importance, have imposed themselves as a necessity (König et al., 2007).

For international legal norms to escape the overshadowing influence of the major powers and fulfill their envisioned purpose, it requires a complete transformation of the current paradigm. Such a transformation would

involve reconsidering the metrics employed to measure the effectiveness of international legal norms and adopting the principles that take legal texts outside of violations, abuses & neglect (Bianchi, 2016). International law needs to be hastily removed from being a mere instrument available to the major states to call on as law when it serves their interests and employ it as a weapon at their convenience.

Therefore, it has become necessary to revitalize the foundational actors responsible for establishing the rules of international law and to move toward the inevitable renewal of the principles aimed at confronting the underlying causes of violations of international law.

## **2-1 Reconsidering the Foundational Actors of International Law: Mechanisms of Implementation and Renewal**

Since its establishment, the United Nations has played a major role in the development and formation of international law, serving as the primary institution and the first step toward global organization (Schermers & Blokker, 2018). Its mission was to establish rules governing the entire world under the umbrella of peace and security, while upholding the rights and freedoms of peoples in all their diversity. States operated within international organizations and engaged in collective actions that reflected their orientations, thereby contributing to the foundations of international law. On this basis, the role of non-state actors



also became increasingly significant in shaping and consolidating legal norms. However, the imbalance of power and the shifting global dynamics created a gap within these rules, causing them to deviate from their legal path and increasingly reflect the individual interests and agendas of states (Bull, 2012).

Regional systems have also contributed to the development of international law, particularly in matters related to human rights and fundamental freedoms. The most advanced among these are the American and European systems, which have produced more effective regional international rules, as they originate from specific regions whose peoples share many common principles.

Analyzing the workings of the United Nations—especially the role and process of the permanent member states in the Security Council—reveals a clear need to reassess the decision-making mechanisms and the people who make decisions. This calls for reforming the United Nations itself and revisiting the Statute of the International Court of Justice, while granting emerging and developing nations a greater share in shaping decisions.

Today, the Security Council has effectively become the most powerful tool in the hands of major powers—especially the United States—which has used it to serve its own interests, notably through its relationship with the International Criminal Court (Bosco, 2013). As a result, these powers have gained control over global affairs by exploiting existing

loopholes, allowing them to violate international law and apply double standards, thereby undermining the very principles of justice and equality upon which the international legal order was founded (Ahmed, 2021; Koskeniemi, 2006).

It is also important not to overlook, in this context, the relationship between the International Criminal Court and the Security Council. This dependency is clearly evident when examining Article 16 of the Rome Statute of the Court, which reveals the subordination of the ICC to the Council's authority. As a result, the Court has become trapped between the constraints of legal limitations and a set of equally significant political considerations, turning it, too, into a highly influential tool that perpetuates the practice of double standards in the international legal system (Akande, 2009).

The existing international context calls for a rethinking of the workings of international institutions, especially in the area of human rights, since this is the essence of all international political and regional international alliances. These institutions act as the protectors of human rights, which, given the extensive violations of human rights that have taken place today, need as much international collective organization to save humanity from the grip of previously dictatorial regimes which have stripped human beings of humanity and turned them into subjects of orders. The rules of international

law marked this transition as progress and development, providing humanity with direction, and a sense of what was necessary, to live a life consistent with the dignity that every human being should have as a requirement, in their own state or anywhere else.

## **2-2 The Future of International Law Rules in Light of the Escalation of Violation Drivers: The Imperative to Seek Alternatives and Close Loopholes**

The rules of international law have, to some extent, managed to control international affairs by imposing obligations that apply to all parties and by establishing penalties for those who violate them. In doing so, they laid the foundations for the establishment of an international community whose main goal is the continuity of the legal principles that serve all humankind. However, when examining the indicators that measure the effectiveness of these rules, we find a certain deficiency that has long existed and been exploited by the powerful against the weak. This imbalance is particularly evident in the field of international human rights law, where human rights and freedoms have gradually deteriorated despite the vast number of rules intended to guarantee a dignified life (Falk, 2016).

The regulations of international law have undergone a striking and concrete quantitative evolution; but the difficulty that this brings with it is a qualitative deficiency that has

affected the very substance of these texts. Hence, they have typically gone beyond their legal or natural course to serve instead—effectively and deliberately—your own purposes for distinct personal interests.

Should things continue in this manner, we would be seen witnessing the highest levels of transgressions, accompanied by the extension of the disregard of legal texts' content and the disregard for their provisions under multiple pretenses (such as "protection of rights", "humanitarian intervention", etc.)... in which finally, this savage international community can exist, where the strong feed on the rights of the weak (Orford, 2011).

As a result, it is prudent to be careful and to reevaluate and recalculate your way out of this only before it is too late—especially since the most significant institutions of the international community, including the United Nations, the International Criminal Court plus most international instruments and treaties, have primarily exhibited through their actions and agreements serving the privileged and-powerful, and failing to protect the weak. In fact, these institutions have morphed into weapons of the strong against the weak, even though their original intention was meant to represent the weak. Thus, the weak has had rights violated by these very institutions that were meant to assist, defend and protect his rights and liberties.

Today, the rules of international law are seeking to achieve proper governance, as

global governance of these rules represents the fundamental criterion that determines their legitimacy as international norms rooted in the service of the global common good and based on purely humanitarian principles. International law today is striving to find the most effective means to place itself on the right path—one that fulfills its original purpose of establishing a global order founded on international peace and security, under the banner of equality and collective effort to advance humanity as a whole. However, maintaining the current state of affairs—especially considering that the existing system has, since its inception, merely reflected the will of the victorious powers of World War II—suggests only one conclusion: international law remains captive to the agendas and directives set by the great powers.

### **Conclusion**

The rules of international law have constituted both a critical and significant turning point in international life, which has reached high levels of progress and development. They have served as a solid foundation unanimously recognized as a platform for international communication. At the outset, these rules succeeded in directing societies once dominated by wars and subjected to the most atrocious crimes. They set the wheel of international progress in motion by establishing numerous legal mechanisms aimed at promoting and

distributing rules that ensure the protection of states and their citizens within an atmosphere of peaceful coexistence.

A vast set of rules emerged, embodying principles that emphasized the necessity of establishing a developed global community to replace the one marked by all forms of destruction. However, these principles were soon aborted, leaving behind only their traces, as their course was redirected toward serving purely personal interests.

The fragility of the foundations upon which international law was built was the main factor behind its collapse and deviation from its intended path. Despite the initial success that accompanied the emergence of international legal norms, this success gradually diminished to the point where these rules became restricted, absorbed, and even subordinated to a leadership system dominated by the United States of America.

Thus, different matters are to be considered:

- The leap to a legal implementation of international law, rather than political or self-interested one, has turned to mere instruments manipulated by power states.
- The methods of the working methods of the UN, mainly the Security Council, should be reassessed the result indicates clearly the way permanence members have exerted control, which has explicitly led to breaches of norms of international legitimacy.
- There is an initiative to find additional motives to operationalize the norms of

international law and to move beyond the level of theoretical implementation, although without the content participating in its own legal system.

– A limit should be applied to the long-standing practice of double standards and selective application used primarily against less powerful states, moving forward with necessary reshape around standards and toward the development of a truly genuine legal system.

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