

**ASSESSING THE IMPACT AND
CHALLENGES IN CONTEMPORARY WORLD
POLITICS: A CASE STUDY ON PAKISTANI
INTERNATIONAL LAW AND GLOBAL PEACE**

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**ASIA e UNIVERSITY
2024**

ASSESSING THE IMPACT AND CHALLENGES IN CONTEMPORARY
WORLD POLITICS: A CASE STUDY ON PAKISTANI INTERNATIONAL
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A Thesis Submitted to Asia e University in
Fulfillment of the Requirements for the
Degree of Doctor of Philosophy

July 2024

ABSTRACT

This thesis investigates the role of international law in maintaining global peace, with a specific focus on the United Nations (UN) as the primary mechanism through which international law is implemented. The central argument is that international law, predominantly through the UN's framework, plays a crucial role in sustaining global peace, despite various contemporary challenges that impede its full effectiveness. The research explores the intricate relationship between international law, peace, and security, seeking to determine whether global peace is a direct result of the implementation of international laws through the UN's legal system or if other factors contribute to this outcome. The objective is to critically assess whether international law alone is responsible for global peace or if other elements, such as geopolitical interests and power dynamics, also play significant roles. Employing a qualitative research methodology, the study relies on content analysis of relevant documents and treaties. This approach systematically analyzes textual data to uncover patterns, themes, and meanings related to the role of international law in peacekeeping. The research design is rooted in qualitative content analysis, which provides a nuanced understanding of how international law influences global peace. Thesis delves into the effectiveness of the UN Charter, alongside other international treaties, in maintaining peace. It examines the UN's role in key conflict zones, particularly in the Middle East and South Asia, with a focus on the Palestine-Israel conflict, the Iran-Iraq War, the Kuwait-Iraq War, and the Kashmir issue. In the Middle East, the UN's interventions in the Palestine-Israel conflict, the Iran-Iraq War, and the Kuwait-Iraq War highlight its capacity to mediate and attempt to resolve disputes. However, the research also acknowledges the challenges which the UN faces in enforcing its resolutions and maintaining peace in these regions. For instance, while the UN played a pivotal role in ending the Kuwait-Iraq War through swift and decisive action, its efforts in resolving the Palestine issue have been less successful, despite numerous attempts to mediate peace. Also, UN spent eight years to stop the war between Iraq and Iran. And in its involvement in South Asia, particularly in the Kashmir issue, the UN had recommended a plebiscite to determine the region's future. The study concludes that international law, through the UN, is indeed a central mechanism for maintaining global peace but its effectiveness is often hampered by challenges in enforcement and the influence of geopolitical dynamics. While the UN and international law have been instrumental in resolving some conflicts, their success is not absolute, and their ability to enforce peace is contingent on various factors, including the willingness of powerful states to comply with international legal norms. This thesis affirms that while international law, under the UN's guidance, is a critical tool for global peace, its impact is limited by enforcement difficulties and the complex nature of international relations. Therefore, while international law is essential, it is not the sole factor in maintaining global peace; other elements, such as geopolitical strategies and power interests, also play crucial roles.

Keywords: International law, United Nations (UN), global peace, geopolitical dynamics, peacekeeping

APPROVAL

This is to certify that this thesis conforms to acceptable standards of scholarly presentation and is fully adequate, in quality and scope, for the fulfillment of the requirements for the degree of Doctor of Philosophy.

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Professor Dr Siow Heng Loke

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(30 July 2024)

DECLARATION

I hereby declare that thesis submitted in fulfillment of the PhD degree is my own work and that all contributions from any other persons or sources are properly and duly cited. I further declare that the material has not been submitted either in whole or in part, for a degree at this or any other university. In making this declaration, I understand and acknowledge any breaches in this declaration constitute academic misconduct, which may result in my expulsion from the programme and/or exclusion from the award of the degree.

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Date: 30 July 2024

ACKNOWLEDGEMENTS

I am deeply indebted to my supervisor **Prof. Dr. Oo. Yu. Hock**, whose kind guidance, advice and understanding have been invaluable throughout the course of my research.

Along with this, I am also extremely grateful to Dr. Omer Masood, Chief Executive Officer, OM International Educational Services Private Limited, Pakistan, who provided me with the best guidance at every moment during this research and guided me through every challenge and difficulty.

I would also like to thank my wife for her constant encouragement throughout my research.

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LIST OF ABBREVIATION

ICC	International Criminal Court
ICJ	International Court of Justice
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for Yugoslavia
KB	Kellogg Briand Pact of 1928
PCIJ	Permanent Court of International Justice
PCJ	Permanent Court of Justice
SLA	South Lebanon Army
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCIP	UN Commission for India Pakistan
UNCIP	United Nations Commission on India and Pakistan
UNDOF	Un Disengagement Observer Force
UNEF 1	United Nations Emergency Force
UNEF 2	The 2 nd United Nations Emergency Force.
UNEF	United Nations Emergency Force
UNEF-1-	United Nations Emergency Force -1-
UNGA	United Nations General Assembly
UNIIMOG	United Nations Iran-Iraq Military Observer Group
UNIKOM	United Nations Iraq-Kuwait Observation Mission
UNIPOM	United Nations India Pakistan Observation Mission
UNMOGIP	United Nations Mission in India and Pakistan Observer Group
UNMOGIP	United Nations Mission in India and Pakistan Observer Group
UNO	United Nations Organization

UNSC	United Nations Security Council
UNSC	United Nations Security Council
UNSCOP	United Nations Special Commission on Palestine
UNTSO	United Nations Truce Supervision Organisation
UNTSO	United Nations Truce Supervision Organization
VCLT	The Vienna Conventions of Law of Treaties

CHAPTER 1

INTRODUCTION

1.0 Background of the Study

International law has main role in the maintenance of global peace. International law is fully responsible to maintain the global peace and international law is discharging its duties of the maintenance of the world peace through UNO. The UNO has been entrusted with unrestricted powers for maintaining global peace through its subordinate branches. UNO is the most capable body for dealing with conflicts and disputes in the world. UNO, created through international law, has been able to keep peace in the world by the enforcement of world laws (Beckman, 2005). The United Nations was made after World War II with the hope of saving future human being from the curse of war and for maintaining peace in the world in accordance with the values of international law and justice. In fact, the United Nations was founded on the basis of a general type of organization like the League of Nations and it shared many features with its predecessor having more powers to maintain peace, combining with a protective or punitive negative function as well (Robret, 2004). By doing so, it was blessed with the greater powers to maintain and restore peace in the world and with the positive work of promoting peaceful relations between nations. Decisions on these matters required the affirmative vote of the permanent members of the UN Security Council (Butte, 2003). After the establishment of United Nations, it was seen that cooperation between permanent members of UNSC finished which was very much necessary for its good working. So provisions of UN Charter specially related to coercive measures could not be fully exercised to maintain peace in the world. So a new institution of peace keeping came in to being as result of this failure of UNO (Dagmar, 2002). International law has great role in the maintenance

of global peace with special reference to the middle east, Palestine issue, Iran Iraq War, Iraq Kuwait War, Kashmir Issue. All the peace activities, which have been done in the Palestine, have been done through the active participation of UNO and its organs UNSC, UNGA and the office of UN Secretary General. United Nations did main role in Palestinian-Israeli peacemaking (Fertherston, 1994). The UN has done much struggle to establish peace and to end hostilities of Israel in Palestine though this huge conflict of the world is still unresolved (Quinn, 2018). The war between Iran and Iraq was also stopped by the intervention of international law through UNO. So International law did a great role to maintain peace in the world by stopping a long war between Iran and Iraq which lasted for eight years (Bed & Mojaouihammed, 2004). Aggression of Iraq against the Kuwait was controlled and stopped by the involvement of UNO. The UN Security Council responded with exceptional speed and firmness to get liberated Kuwait from the clutches of Iraq when Iraq occupied Kuwait in 1990. UN Security Council put various sanctions on Iraq, put a naval ban on Iraq and finally approved the use of military force action to get the Kuwait liberated (Moushabeck & Michel, 2004). In the issue of Kashmir, the UNO has done a great role to resolve this issue amicably. The UN Security Council approved a resolution calling to Pakistan and India to refrain from any fight in the area of Kashmir due to the issue of Kashmir. UNO recommended that question of accession of Kashmir issue between Pakistan and India would be decided through a free and fair plebiscite (Das, 2003). International law has been largely successful in achieving its primary goal of establishing peace in the world, but it still faces many challenges and problems, such as the deficiency of mechanisms to enforce compliance, lack of international engagement, power disparities between developed and developing countries, and, difficulties in their interpretation and application of

global legal rules in political and Cultural context. It also lacks a global regulatory system (Christopher, 2005). International law is those rules and regulations which governs the relationships between states, moreover international law oversee how states behave with their citizens in regard to the recognized human rights of all human being (Beckman, 2005). So we can say that international law is those rules, treaties, customs, traditions and conventions which governs the relations between sovereign states and between international organizations and states. International law is said to be those rules and principles which deal with the peaceful relations between states. It also controls the working of international organizations. It is also relevant to the international legal personalities which are entities and legal persons which are having rights and obligations under international laws (Robret, 2004). All these international organizations are established by states under international agreements. World law can be explained as a subject that controls the world order. The main subject & object of international law is to deal with those factors which can disrupt global peace. International law is a great tool to abolish wars and promote peace in the world. One of the main objective of global law is to preserve peace in the world, so main purpose of global law is the peace in the whole world (Christopher, 2005). So it is the fundamental purpose of all International laws, to encourage peace in the world. It is an obligation under international law that states should conduct their mutual relations through peaceful means. It is also obligatory for states under International law that the states should behave with their own citizens through peaceful ways (Butte, 2003). This is to give honor to human rights to promote peace in the world. The basic duty of states is to maintain their relations with each other through peaceful ways under a customary global law and this duty was created by UN Charter. The deaths of about 19 million people in the first world war have forced

the states of world to make rules and principles for future peace in the world (Dagmar, 2002). So the states developed international law and rules to solve issues peacefully and states make it obligatory not to indulge in wars for solution of international disputes through Kellogg-Briand pact of 1928 (A peace agreement namely Kellogg-Briand pact of 1928). After world war 2nd death toll increased to the level of 56.4 million inclusive with civilian and military personals. Due to these huge deaths, the world again started to think that wars must be abolished now for greater progress of the world (Katzenbach & Kaplan, 1961). And then UNO were formed and international law in the shape of UN Charter was established for peacefully solving international disputes and for the peaceful conduct of international relationship among countries (Dagmar,2002). Under global law a big organization is UNO which is created in 1945 for the maintenance of global peace. History tells us that great wars became reasons for the evolution of global law. Modern global law came in to being during the long war of thirty years in 1625 through the efforts of Grotious. The Grotious was a Dutch diplomat, he produced his work in the shape of law of war and peace. The Grotius saw that pope was losing control on people and he viewed that lawlessness would be spread in world and then he presented some rules and principles to the states of the world to deal with each other peacefully. Hence modern international law came in to being (Pufendorf, 1672). This was the start of Modern International law. In 1648, as a result of treaty of Westphalia, there became many small and large states. The small states would have been under great threat of survival, if there had not been rules for world peace. The idea of Grotious for the development of rules for dealing between in-dependant states was admirable. But despite all these rules and efforts for peace, there erupted many great wars. There were also revolutions like French revolution (Weeramantry & Christopher, 2005).

The French revolution wars finished in 1815 and many efforts were done to establish peace for world through Vienna convention but it could not be achieved. But efforts, to get peace for the world, were continued. So as a result, there became more than 400 societies in the world for establishment of peace in the world but despite all these efforts the sustainable peace could not be achieved through the available international law then, but the war like situation became a great reason for the development of global law (Panizza, 2013). In 1899, the tsar of Russia Nicholas 2 invited all sovereigns of that time in a convention in Hague for promoting peace through an international treaty and in that conference many important steps were taken for peace through international agreements between states. In that conference in 1899, so many ways for peaceful solution of conflicts were adopted by countries and it was recognized that war was no way to solve mutual disputes and then some of the people in that conference gave a proposal for constitution of permanent court of international justice so that international conflicts could be settled through the efforts of this court but all the delegates could not be agreed on that proposal for constitution of that permanent court of international justice due to opposition of great power of that time but at that time a permanent court of arbitration was also established for settling disputes between states for international peace through a panel of experts of international law (Augustine, 2004). This permanent court of arbitration became very much successful in resolving many big disputes which could be the cause of great wars if not resolved through peaceful means through the efforts of that permanent court of arbitration. But this court system could not prevent world war 1 in 1914 and this war brought big loss of life which further strengthened the move for world peace and development for the world law (Katzenbach & Kaplan, 1961). Then, we had seen that in 1919 the people of the world established the permanent court of

international justice through the treaty of Versailles. This permanent court of international justice was given the power to solve global disputes on the reference of concerned states. This court was consisted on highly qualified persons as judges and this court was given power to apply and use the principles and rules of global law for solving the global disputes. This court worked with great professional competency. Hence international law got great acceptance in the world (Hathaway & Shapiro, 2017). But all these efforts were not enough for international peace and for preventing future wars. The states were not bound to forward their disputes to this court for solutions. Then again, the world had to face the destruction of second world war from 1939 to 1945 (Kelsen & Hans, 2003). Then the main work started on the evolution of global law. The efforts were made to establish a more powerful forum at world level to control wars and to solve conflicts among countries through peaceable ways and then the UNO was established by signing of UN charter by 51 countries (Shinoda, 2001). Under UN charter International Court of Justice took the place of Permanent court of international justice. The Statute of International Court of International justice was made main part of UN Charter (Guzman, 2010). The UN charter required peaceful solution of the disputes while outlawing the wars. This development of Charter of UNO was a great achievement for the global law of peace. Now all the world laws for peace round around the UNO and UN charter for getting peace in this world. It is stated very clearly in UN charter that the member states will not use threat and force against each other in maintaining their relations with each other (Meyer, 2010). The UN charter is enforced since its adoption in 1945 by the world and almost whole world is member of UNO now. Under international law, It is the responsibility of all the citizens and states of the world that they should try to create such an atmosphere in the world in which UNO and its system and system of

international law through UNO will be more strengthened for promoting peace in the world .It is admitted fact by all Scholars of International affairs that Peaceful relationship among states are the direct result of world law and various international agreements under international law and decisions of international court on international issues (Collins, 1970). International law is present to provide the world with all those opportunities which are needed for peaceful coexistence and for peaceful settlements of disputes between independent states. This is very unrealistic thing that we talk about such a world which is without disputes but with the passing of times, the International law has developed a situation in which disputes can be managed peacefully (Dunoff, 2010). It is told by international laws that the use of armed forces and violence to solve international disputes is illegal in the relationships of states. International law is just to promote international peace. So, Peace, as is define by international law, is such like situation which do not have aggression and armed force to solve issues. The main sources of international law are international treaties, international agreements, international conventions & customs. Moreover, General Principles of law recognized by various states and judicial decisions of international forums are also sources of international law (Chesterman, 2001). It is commonly assumed that to maintain peace in the world is the responsibility of international law and if anywhere war erupts, it is presumed that international law has become failed. This is just a common view but scholar is of the view that international law is a weak law as it has no force to be implemented and they are of the view that no law, which has no force to be enforced, can be able to maintain peace (Weeramantry & Burroughs, 2005). But Modern International law compels states to make a system which will promote peace in the world. It compels states to punish those who commit war crimes. These obligations are accepted by

states through various agreements. So, we can say that International law is those rules and regulations which governs the relationship between states, moreover international law oversee how states behave with their citizens in regard to the recognized human rights of all human being (Buchanon, 2004). So we can say international law is those rules, treaties, customs, traditions and conventions which governs the relation between sovereign states and between international organizations and states and between states and its citizens in regard to implementation of human rights. Today we see cooperation between nations is being promoted by international law (Weeramantry & Christopher, 2005). The nations fallows norms of international law for their external relations. All nations fallow the guidelines set by international law for peaceful settlement of disputes through arbitration, negotiations, conciliation, mediation and for judicial settlements of disputes between states (Kelsen & Hans, 2003). For the world peace, war is prohibited by international law. Under international law war is allowed just for self defence as it is a concept in international law that war is just to get peace and not for destroying peace. International law has authorized to UNSC to use force just to maintain peace in the world. In short we can say that no nation can survive alone as every state has to maintain relations with the other states and international law provides better guideline to maintain peaceful relations with each other (Gregory & Christopher, 2005). The states have to fallow the international law for better coordination with each other's and to save from economic compulsions and for its security. The states usually fallow the international law as those states which do not fallow international law they suffer losses in the field of diplomatic relations with other states (Collins, 2004). The United nation organization and other states which fallow international law, put, on those law breaker states, economic and trade

sanctions and in most of the cases the use of force is also allowed against those law breaker states by UNSC. The obligation of states to maintain their relations through peaceful means was an International law and It was adopted by UN Charter (UN Charter, preamble, article 1). As stated above that The deaths of about 19 million people in world war 1 has forced the states of world to make rules and principles for future peace in the world. So the states developed international rules to solve issues peacefully and states make it obligatory not to indulge in wars for solution of international disputes through Kellogg-Briand pact of 1928 (peace agreement of 1928 known as Paris peace treaty) and this KB pact was the first in near history of international relations which binds the nations to solve their issues amicably and peacefully without wars (Kellogg-Briand pact 1928). We find that After world war 2nd death toll increased to the level of 56.4 million inclusive with civilian and military personals. Due to these huge deaths, the world again seriously started to think that wars must be abolished and prohibited now through greater progress of the world (Gray, 2008). And then UNO was arranged to be formed and the international law in the shape of UN charter was established for peaceful solution of international disputes and for the peaceful conduct of international relations between sovereign states. Under international law a very big organization is UNO which is created in 1945 for the maintenance of global peace. History tells us that only great wars became reasons for the development of international law (Collins, Ed.1970).

This research aims to evaluate the role of international law, particularly the United Nations (UN) Charter, in maintaining global peace. Key issues to be analyzed include the Palestine issue, Middle East crises, the Kashmir conflict, the Kuwait crises of 1990, and the Iran Iraq War of 1980, as well as the UN's peacekeeping efforts related to these conflicts. This research primarily would examine the role of

global law in the maintenance of the global peace. The Law designed to regulate the behavior of states to ensure peaceful existence among nation states is international law. International law is a body of those rules which are established through treaties or customs and recognized as binding by the nations in their mutual relationships with each other. It is a set of those rules by which countries deal with each other. International peace is considered as an ideal of peace and freedom (Hathaway & Shapiro, 2017). International peace is also considered as a theory of nonviolence whereby nations cooperate with each other voluntarily or through a system of government that halt wars. This research would focus on the international institutions working under international laws that nations have established or created to govern their affairs. For the completion of this research mostly data is going to be collected from the secondary sources. Some Data would be also taken from primary sources as well and that is consisting on United Nations resolutions, judgments of the International Court of Justice, important internationally renowned Newspapers, important internationally renowned Journals, important internationally renowned Web pages, Web pages of UNO, Web pages of ICJ, various international laws, agreements, conventions, UN Charter, statute of ICJ and important internationally renowned books relevant to the study. This research will examine some of international laws and institutions to see their role in maintaining international peace. In this research, we will try to explore the connectivity among international law, peace and security, the importance of international law for international peace & security, the recommendations for and challenges of international law for global peace. In this research our focus will be to check the role of world law in the maintenance of world peace. So we will have studied various international laws and their role in the maintenance of world peace at the end of this research. To determine

the role of world law in maintenance of global peace, it is very necessary to analyse the role of all international laws, conventions and treaties which have been enacted for maintenance of world peace. The main object to create United Nations Organization was to protect the world from scourges of future wars to maintain global peace and security, so we will assess the role of UN charter in maintaining international peace through this research. The UN Charter is the main constitutive document or instrument of UNO which was signed on 26 June 1945 at San-Francisco. It has settled the main obligations and rights of member states and also provided the details regarding the principal organs and procedures of UNO (Gray 2008). This UN Charter is a world treaty which provides the basic principles of international relationship for equity and sovereignty of independent and sovereign states. This UN Charter has made obligatory for member states to resolve their issues amicably for maintaining peace in the world (UN Charter, preamble, article 1). To check the influence of the international law in the shape of UN Charter on global peace, we will have to study in this research the working of the UNO for maintaining peace in the world specially in Middle East with special reference to Palestine issue, Iran Iraq War, Kuwait Iraq War and in south Asia with special reference to Kashmir issue between India and Pakistan. For this purpose, as narrated above, this research will focus on the working of the UNO in regard to, issue of Palestine and Israel, issue of Kashmir, war between Kuwait and Iraq, War between Iran and Iraq and activities of UNO regarding peace keeping in the world. It is found that basic duty of United Nation is that it has to maintain the peace of the world (UN Charter, article 2). To judge whether UNO has been successful in doing its duties, we have to study in this research the record of activities of UNO relevant to Middle East with special reference to Palestine issue, Iran Iraq War, Kuwait Iraq War and relevant to south