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INTERNATIONAL LAWS AND THEIR RELEVANCE IN THE CONTEMPORARY WORLD

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ABSTRACT

On 22 June 2025, the United States Air Force and Navy struck three nuclear facilities inside Iranian territory, Fordow, Natanz, and Isfahan, in an operation officially designated Operation Midnight Hammer. The strikes involved seven B-2 stealth bombers, fourteen 30,000-pound Massive Ordnance Penetrators, and over two dozen Tomahawk cruise missiles fired from a United States Navy submarine. They formed the United States' first offensive military action of the Twelve-Day War initiated by Israel on 13 June 2025. The operation was carried out without authorisation from the United Nations Security Council, without a confirmed claim of self-defence under Article 51 supported by the United States Intelligence Community, and against a sovereign state with which the United States was not formally at war.

This incident, alongside the deadlock over Ukraine, the prolonged conflict in Gaza, and the visible fragmentation of multilateralism under the second Trump administration, raises a question that this paper takes as its central concern: to what extent does International Law continue to constrain the conduct of great powers in the post-2022 geopolitical order, and where does its operative authority survive? The paper applies a doctrinal method, reads the legal text against state practice, and engages with the realist and liberal-institutionalist traditions to argue that International Law remains effective in narrow technical and economic domains while losing traction in the high-politics areas of force, sovereignty, and human rights. The paper closes with a tiered Enforcement Compliance framework that maps where compliance holds, where it fails, and why.

Keywords: International Law, UN Charter, Article 2(4), enforcement mechanisms, realism, liberal institutionalism, Operation Midnight Hammer, Indian foreign policy.

1. INTRODUCTION

The world was a far more dangerous place before the formalization of laws governing conduct between nations. The modern nation-state system is conventionally traced to the Peace of Westphalia of 1648, commonly described as a foundational moment for International Law. It established the principle of sovereignty and granted rulers the right to govern their own territories without external interference in their internal affairs. The Westphalian framework later informed Article 2(4) of the Charter of the United Nations, which prohibits the use of force or the threat of force against the territorial integrity or political independence of any state, with two exceptions: self-defense under Article 51 and actions authorized by the Security Council under Chapter VII.

Before this framework, disputes were settled chiefly by the use of force across borders, a pattern that contributed to two world wars and the deaths of tens of millions. The progressive development of International Law, alongside the establishment of the United Nations, the International Court of Justice, the Geneva Conventions, and the human rights covenants, was a deliberate attempt to convert the resolution of international disputes from a contest of arms into a contest of arguments.

That project is now under visible strain. The June 2025 strikes on Iran, the war in Ukraine, the Gaza conflict, and the slow erosion of arms-control regimes all point to a widening gap between the letter of International Law and the political will to enforce it. This paper examines that gap.

1.1 Research Question

The paper asks: to what extent does International Law constrain great-power conduct in the contemporary geopolitical order, and within which categories of international obligation does its authority remain operative? The framing is narrower than the broad question of whether International Law is effective. It distinguishes between domains where compliance holds and domains where it does not, and asks what explains the difference.

1.2 METHODOLOGY

The paper uses a doctrinal method, supplemented by case analysis and a single illustrative tabular framework. Doctrinal analysis here involves close reading of the UN Charter, judgments of the International Court of Justice, and the relevant scholarly commentary, in order to locate the operative meaning of legal norms. The case analysis draws on the Nicaragua judgment of 1986, the 2025 strikes on Iran, and the post-Hasina shift in Bangladesh. Each case was chosen because it isolates a different mechanism of failure: jurisdictional non-compliance, the unauthorised use of force, and regional realignment that bypasses the multilateral order. The paper does not attempt a quantitative compliance study, which is beyond its scope.

1.3 Theoretical Position

The argument is positioned between two traditions. The realist tradition, associated with Morgenthau and later Mearsheimer, treats International Law as a thin overlay on the underlying structure of state power, useful when it serves great-power interests and ignored when it does not. The liberal-institutionalist tradition, associated with Keohane and Slaughter, treats institutions and legal regimes as durable instruments that lower transaction costs, generate reciprocal expectations, and survive the temporary preferences of any single state. The paper argues that neither lens is fully adequate on its own. Realism explains the observed weakness of International Law in matters of force and sovereignty. Institutionalism explains the persistence of compliance in technical, financial, and trade-related regimes. The contemporary picture is best read as a layered one, in which different categories of international obligation occupy different positions on a compliance spectrum. The framework presented in Section 6 develops this point.

2. THE REACH AND LIMITS OF ARTICLE 2(4)

A close reading of Article 2(4) shows that the prohibition on the use of force admits only two exceptions: self-defence under Article 51 and Security Council authorisation under Chapter VII. In the June 2025 strikes on Iran, neither condition was satisfied. The United States was not under armed attack from Iran. No Security Council resolution authorised the operation. The strikes were also legally distinct from the parallel Israeli campaign, since the United States had no claim of collective self-defence on behalf of Israel that satisfied the customary law requirements of necessity and proportionality.

If the United States were to invoke an anticipatory or pre-emptive reading of Article 51, the bar would still be high. The Caroline test, frequently cited in this context, requires a threat that is instant, overwhelming, and leaves no choice of means or moment for deliberation. The March 2025 assessment of the United States Intelligence Community, as testified by the Director of National Intelligence, concluded that Iran was not building a nuclear weapon and that the Supreme Leader had not reauthorised the suspended programme. The Iranian stockpile of uranium enriched to sixty per cent, while concerning under the Non-Proliferation Treaty regime, did not constitute the kind of immediate threat the Caroline standard contemplates. President Trump publicly rejected his own Intelligence Community's assessment in the days before the strike, which itself signals that the legal threshold for self-defence was being reconstructed politically rather than evidentially.

The doctrine of humanitarian intervention is sometimes invoked to justify the use of force outside the Charter's two exceptions. In academic terms, this is the normative justification for humanitarian intervention. It has no clear treaty basis and remains contested in customary international law. The historical record from Afghanistan, Iraq, Libya, Syria, and earlier interventions in Latin America does not support the claim that such operations reliably produce the protective outcomes their advocates promise. The June 2025 strikes were not framed as humanitarian intervention, but the underlying pattern is the same: a powerful state acting against a weaker one, outside the Charter, with no enforceable consequence. A more recent incident reported on social media in early 2026, involving the Iranian warship *Iris Dena* returning from the Milan 2026 multinational exercise of the Indian Navy and reportedly struck by American forces in the Indian Ocean, has not yet been confirmed by official defence sources or established wire services at the time of writing. If verified, the incident would fit the same pattern of unauthorised use of force documented above. Pending confirmation, this paper relies on the Midnight Hammer operation as the principal contemporary case, since it is fully documented through Department of Defense briefings, the Congressional Research Service, and major international media.

The Secretary-General called for diplomacy after the June 2025 strikes. The Russian and Chinese foreign ministries condemned them. European leaders urged restraint. None of these responses translated into a Security Council resolution, because two permanent members would have vetoed any draft. This is the operative weakness of Article 2(4) in the contemporary order. The norm exists. The text is clear. The enforcement mechanism is structurally incapable of acting against a permanent member.

3. THE FALLACY OF SOVEREIGN EQUALITY

Article 2(1) of the Charter affirms the sovereign equality of all member states. In practice, the architecture of the United Nations contradicts this principle. The Security Council, the only organ empowered to make binding decisions on matters of international peace and security, concentrates effective authority in five permanent members who can each block any resolution they find inconvenient. The remaining one hundred and ninety-three states have, in matters of peace and security, what amounts to consultative standing.

This distribution reflects the geopolitical settlement of 1945. It does not reflect the demographic, economic, or strategic weight of the contemporary world. India, with a population of over 1.4 billion and the world's fifth-largest economy, has no permanent seat. Brazil, Japan, Germany, and the African continent as a whole are similarly excluded. Reform proposals, including the G4 framework and the African Union's Ezulwini Consensus, have circulated for decades without serious progress, because reform requires the consent of the very states whose privileges would be diluted.

From a realist perspective, this is unsurprising. Institutions reflect the power of those who built them, and they change only when underlying power shifts force change. From a liberal-institutionalist perspective, it is a structural defect that erodes the legitimacy of the regime over time, because compliance ultimately depends on the perception that the rules apply equally. Both readings converge on the same conclusion: a Security Council frozen in 1945 cannot credibly speak for a multipolar 2026.

4. ENFORCEMENT MECHANISMS IN PRACTICE

Two principal mechanisms exist for enforcing International Law on questions of peace and security: the powers of the Security Council under Chapter VII, and adjudication before the International Court of Justice. Both face structural constraints when the responding party is a great power.

Chapter VII grants the Security Council the authority to impose sanctions and authorise military action. This power is meaningful when used against weaker states, as the Iraq sanctions of the 1990s illustrated. It is hollow when directed against a permanent member, because the permanent member can veto its own censure. There is no formal rule that prevents a P5 state from being the subject of Chapter VII action, but the practical requirement of an affirmative vote without a veto produces the same outcome.

The International Court of Justice is the principal judicial organ of the United Nations. Its jurisdiction depends on state consent, either through specific compromis, treaty-based jurisdiction clauses, or the optional clause under Article 36(2) of the Court's Statute. The Court has no independent enforcement mechanism. When a state refuses to comply with a judgment, the only formal recourse is the Security Council, which returns the dispute to the same veto problem.

The 1986 Nicaragua judgment illustrates this in clear terms. The Court found that the United States had breached customary international law through its support for the Contras, including the mining of Nicaraguan harbours, and rejected the American claim of collective self-defence on behalf of El Salvador. The Court ordered reparations. The United States vetoed enforcement of the judgment in the Security Council and withdrew from the optional clause jurisdiction. Forty years later, the case remains the standard reference for what happens when a great power loses at the Court.

There are further structural limits on the Court. It can only hear disputes between states. Individuals, corporations, and non-governmental organisations have no standing. The Court cannot act on its own initiative. It depends on the parties to bring a case and to consent to its jurisdiction. Each of these constraints, considered alone, is defensible. Considered together, they make the Court a weak instrument when the respondent is unwilling to be bound.

5. INDIAN FOREIGN POLICY IN THE CURRENT ORDER

For most of the post-independence period, India practised a policy of non-alignment, which served the strategic interests of a newly independent state without the resources to underwrite a permanent alliance. India was a founding member of the Non-Aligned Movement and used the language of strategic autonomy to preserve room for manoeuvre between the Cold War blocs.

The current period shows a more complicated pattern. India holds formal partnerships with the United States through the Quad, deep defence and energy ties with Russia, growing trade with China despite border tensions, and a fluctuating relationship with its immediate neighbourhood. Strategic autonomy in this environment requires constant recalibration, and the recalibration has not always produced favourable outcomes.

Three episodes illustrate the strain. First, the United States has applied tariff and sanctions pressure on Indian energy imports from Russia, which has visibly limited Indian flexibility on its largest crude supplier. Second, after the cross-border terror attack at Pahalgam in April 2025 and the subsequent escalation with Pakistan, the international response was muted in a way that earlier episodes were not, signalling reduced diplomatic leverage. Third, in the immediate neighbourhood, the post-Hasina interim government in Bangladesh has reoriented its foreign policy toward China, Pakistan, and Turkey, secured 2.1 billion dollars in Chinese loans and investment in March 2025, and signed agreements covering port

modernisation, industrial zones, and hydrological cooperation. The Yunus administration's public framing of Bangladesh as a gateway to India's Northeast and an extension of the Chinese economy has further sharpened Indian strategic concerns.

From a realist standpoint, these developments are predictable. A multipolar order with a retreating hegemon produces hedging behaviour from middle powers, who diversify their dependencies to manage uncertainty. India is no exception. Its difficulty is not the choice to hedge, but the loss of agenda-setting capacity in its own neighbourhood, where Bangladesh, Sri Lanka, and the Maldives have each, at different points in the past five years, signalled a willingness to rebalance away from New Delhi. From a liberal-institutionalist standpoint, the same developments suggest that the institutions India has invested in, including the Commonwealth, the South Asian Association for Regional Cooperation, and the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation, have not delivered the binding cooperation their architects envisaged.

The implication for the present argument is that even a state that takes International Law seriously, and that has consistently advocated for a more equitable multilateral order, finds its leverage diminishing as the order itself fragments. India's position is a useful test case because it sits between the great powers that the system favours and the smaller states the system was meant to protect.

6. A TIERED ENFORCEMENT COMPLIANCE FRAMEWORK

The standard critique of International Law treats the regime as a single object and asks whether it works. The answer is then either yes, with reference to trade and technical cooperation, or no, with reference to war and human rights. Both answers are correct in part. A more useful approach is to disaggregate the regime by subject matter and to ask why compliance varies.

The framework below distinguishes four tiers of international obligation, ordered by the strength of observed compliance. The framework is not a comprehensive taxonomy but a heuristic for organising the empirical record.

Table 1-Tiered Enforcement Compliance framework for contemporary International Law

Tier	Subject Matter	Compliance Strength	Underlying Reason
I	Trade, finance, technical standards (WTO rules, BIS norms, ICAO aviation safety, IMO maritime regulations)	High	Mutual self-interest. Defection imposes immediate, measurable, reciprocal costs on the defecting state.
II	Regional security and trade pacts (EU acquis, ASEAN frameworks, USMCA, Mercosur)	Moderate to High	Shared regional dependencies, internal dispute mechanisms, proximate political cost of defection.
III	Human rights, humanitarian law, environmental conventions (ICCPR, Geneva Conventions, Paris Agreement)	Low to Moderate	Diffuse benefits, weak monitoring, sanctions are largely reputational and slow to bite.
IV	Use of force, sovereignty, war crimes (UN Charter Article 2(4), Article 51, ICC and ICJ jurisdiction)	Very Low when great powers are involved	Veto power blocks Council action, jurisdictional consent rules limit the Court, no independent enforcement arm exists.

The framework yields three observations. First, compliance is highest where the obligation aligns with the immediate self-interest of the obligated state, which is the standard institutionalist insight. Second, compliance is lowest where the obligation runs against the interests of a state that controls part of the enforcement apparatus, which is the standard realist insight. Third, the middle tiers show that regional organisations and treaty regimes can sustain meaningful compliance even on politically sensitive matters,

when the regime is built on dense reciprocal dependencies. This last point matters for the argument in Section 7, because it suggests that the productive response to the failure of universal enforcement is not the abandonment of legal regimes but the strengthening of regional and functional ones.

7. THE NEW WORLD ORDER

The failure of universal institutions to enforce foundational principles has been visible across the wars in Ukraine and Gaza, the unresolved Israeli-Palestinian question, the withdrawal of the United States from sustained multilateral leadership, and the broader America First posture of the second Trump administration. Together, these create a power vacuum at the centre of the system.

Several developed and emerging states are now governed by administrations that prioritise national autonomy over global integration. Multilateralism is in retreat. Regional cooperation frameworks, including BRICS in its expanded form, the Shanghai Cooperation Organisation, the African Continental Free Trade Area, and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, are gaining institutional weight. The framework in Section 6 helps explain why. These regional and functional regimes occupy Tiers I and II, where compliance is structurally more durable.

Enforcement mechanisms embedded within regional organisations, sectoral trade agreements, or specialised conventions may prove more effective than universal mechanisms in the current climate, because they are more likely to be accepted and adhered to by the states involved. The constraint they impose is more proximate, the costs of defection are more visible, and the membership is more aligned. None of this replaces the moral and legal architecture of the United Nations system, but it suggests where the operative work of International Law is being done in 2026.

8. CONCLUSION

The argument of this paper is that International Law continues to function, but unevenly. It remains operative in trade, finance, and technical cooperation. It performs adequately within regional regimes built on dense reciprocity. It struggles in the area for which it was most ambitiously designed, the regulation of force between states. The June 2025 strikes on Iran, the Nicaragua precedent, and the post-Hasina realignment in Bangladesh each illustrate a different mechanism by which the universal regime fails to bind. The Tiered Enforcement Compliance framework offered in Section 6 is a modest contribution. It does not solve the structural problems it describes. It does, however, provide a way of speaking about International Law that avoids the binary of effective versus ineffective and points toward where reform energy is most likely to yield results, which is at the regional and sectoral level rather than at the level of a frozen Security Council.

The deeper question is political rather than legal. International Law has always depended on a degree of voluntary great-power restraint. Where that restraint is withdrawn, no doctrinal refinement can replace it. The next decade will test whether the regional and functional regimes that are now growing in importance can sustain the collaborative habits that the universal institutions are losing. The answer to that question will determine whether the international legal order of 2035 looks like a continuation of 1945 or a recognisably new arrangement built around different centres of authority.

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