

## **THE CONTINUING RELEVANCE OF CUSTOMARY INTERNATIONAL LAW IN THE DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW**

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### **ABSTRACT**

*At present, treaties have taken over the primacy of custom as a source of international Law. This article examines the continuing relevance of customary law in the development of international law focusing on international humanitarian law. Part I of the article sets out how rules of customary international law evolve. Part II examines the interaction between customary law and treaty law and Part III looks at the role of international courts and international tribunals in the formation of customary law. This paper concludes that while customary international law continues to be of relevance in the development of international humanitarian law, it has played a significant role in the development of the international humanitarian law applicable in internal armed conflict and has filled an important gap in the regulation of such armed conflicts. Characterizing an armed conflict as international has less significance today due to the fact that many rules of customary international law apply equally in both types of conflict.*

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