

SOURCES OF INTERNATIONAL LAW: RETROSPECT AND PROSPECTS

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I. INTRODUCTION

The international legal order, a continuous social process of permissible and desirable behaviour, has been affected by unprecedented achievements of science and technology.¹ These developments include, communication, transport, exploration and exploitation of resources of sea and outer space and Antarctica, terrifying effect of nuclear destruction, and unparalleled frightening effect of war. There are other changes which have contributed to important developments in the political world. The profusion of economically and technologically underdeveloped new states² from Asia, Africa, and Latin America representing non-western culture and legal system, has quantitatively and qualitatively changed the world community. They revolt against such rules of international law which they consider to be old, obsolete, and inequitable according to the present standard of civilization. They demand full participation in the law making process and in the reform in the existing legal system established by the ruling class.

The population explosion at the international level, the widening gulf between the rich and the poor and developed, and developing states, the accelerated expansion of the state activities, the anti-apartheid movement, the demand for a new international economic order³, sharing of resources of the world, and the ideological division of the world⁴, have affected the fundamental values and promises of the Western international jurisprudence. The role and functions of international law is also subject to expansion because the individuals and international organizations have also been recognised as its subjects.⁵

The end of the Cold War⁶ between two mutually intolerant ideologies is neither the extinction of War nor the establishment of peace ad international stability. It has affected the world physically and politically. The collapse of Union of Soviet Socialist Republics, three permanent but weak members of the Security Council, the dominating influence of United Germany and energetic Japan, the claim of special privilege by many new states, have put the threat to the International Security system. There is, thus a greater need of an effective international law because of the increase expectations from it which in turn will

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