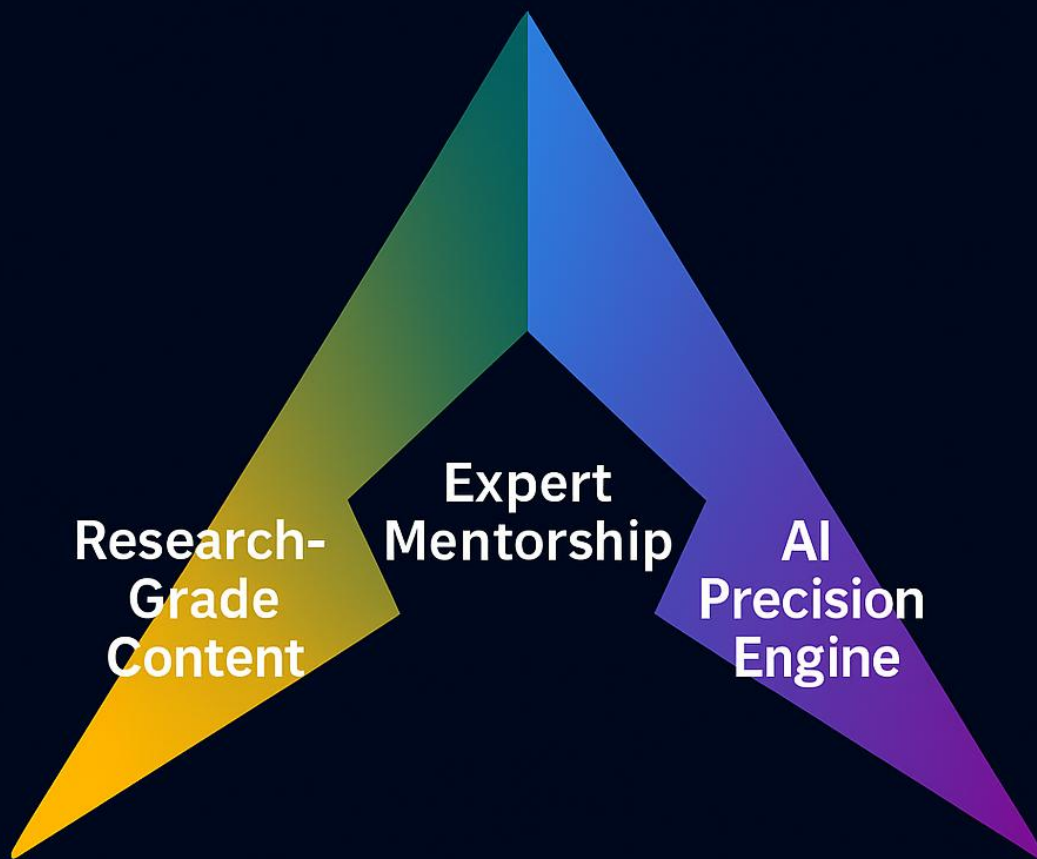


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GS Paper II: International Relations

1. Crisis of International Law and the Rules-Based Order

a. Introduction

International law is increasingly facing a crisis of credibility. An opinion piece has argued that international law is becoming “optional” for powerful states, as recent conflicts, unilateral military actions, maritime disputes, human rights violations, weakening arms-control regimes and poor climate compliance have exposed the limits of global legal enforcement.

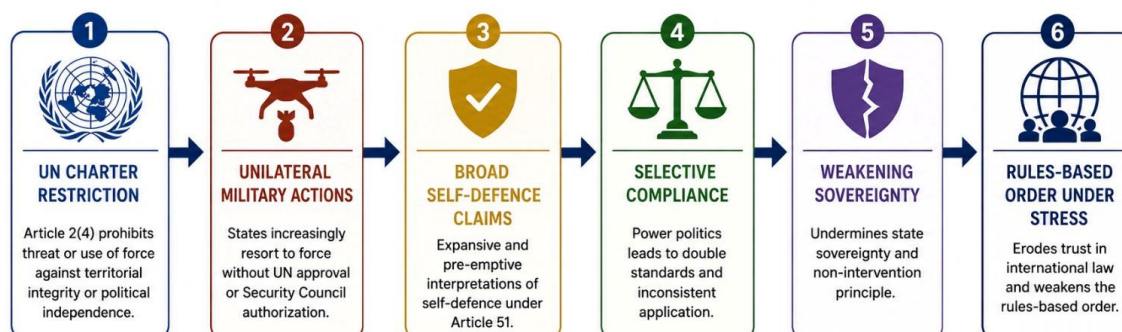
The concern is not that international law has disappeared. Rather, the problem is that its application appears increasingly selective. When powerful states violate legal norms without facing meaningful consequences, the authority of the entire rules-based order weakens. This creates insecurity for smaller states, developing countries and middle powers, which depend more heavily on legal principles, multilateral institutions and predictable rules.

For India, the issue is important because India supports strategic autonomy but also benefits from a stable and reformed rules-based order. A world where power overrides law would create uncertainty in areas such as sovereignty, maritime security, counter-terrorism, trade, climate negotiations and protection of the global commons.

Thus, the crisis of international law must be understood as a crisis of enforcement, consistency and institutional legitimacy rather than a complete disappearance of legal norms.

EROSION OF THE USE OF FORCE NORM

How the UN Charter Norm Weakens



b. International Law and Its Foundations

- **Nature of International Law:** International law is built on consent, reciprocity, legitimacy and institutional enforcement. Unlike domestic law, it does not have a single world government or universal police authority. Its effectiveness depends on treaties, customary norms, international courts, multilateral institutions, diplomatic pressure and reputational costs.
- **United Nations Charter:** The United Nations Charter is the central legal framework governing the use of force. It prohibits the use of force against the territorial integrity or political independence of sovereign states, except in cases of self-defence or when authorised by the United Nations Security Council.
- **Other Legal Regimes:** Other areas of international law regulate state conduct in specific domains. The United Nations Convention on the Law of the Sea provides rules for maritime zones, freedom of navigation and peaceful dispute resolution. International humanitarian law seeks to protect civilians during armed conflict. Human rights treaties protect individuals

from state abuse. Arms-control agreements reduce strategic risks, while climate treaties create commitments for environmental protection.

- **Present Weakness:** The problem today is that many of these legal regimes are being weakened by selective compliance and geopolitical competition.

This foundational understanding is important because international law depends not only on written rules, but also on the willingness of states, especially powerful states, to respect those rules.

c. Erosion of the Prohibition on the Use of Force

- **Weakening of the UN Charter Norm:** The most serious erosion is visible in the norm against the unilateral use of force. The United Nations Charter was designed after the Second World War to prevent aggression, protect sovereignty and reduce the risk of large-scale war. However, repeated military interventions, cross-border strikes, targeted killings and large-scale bombardments have weakened this principle.
- **Broad Justifications for Military Action:** Powerful states often justify military action through broad interpretations of self-defence, humanitarian intervention, counter-terrorism or security necessity. In some cases, such justifications may have limited legal or moral basis. In others, they are used selectively to bypass collective decision-making through the United Nations Security Council.
- **Dangerous Precedent:** This creates a dangerous precedent. Once powerful states treat the prohibition on force as flexible, other states may also invoke similar arguments to justify aggression or coercive action. Over time, the distinction between lawful self-defence and unlawful military intervention becomes blurred.
- **Impact on Weaker States:** For the international order, this is deeply destabilising. Sovereignty becomes vulnerable to power politics, and weaker states lose confidence in the ability of international law to protect them.

Thus, the weakening of the prohibition on force strikes at the core of the post-Second World War international legal order.

d. Maritime Law and the Stress on UNCLOS

- **Role of UNCLOS:** Maritime law is another area where the rules-based order is under stress. The United Nations Convention on the Law of the Sea provides the legal framework for territorial seas, exclusive economic zones, continental shelves, freedom of navigation and peaceful settlement of maritime disputes.
- **Maritime Coercion and Grey-Zone Tactics:** However, maritime disputes in regions such as the South China Sea show how legal norms can be weakened by coercive actions. Militarisation of disputed features, aggressive coast-guard behaviour, grey-zone tactics and disregard of arbitral rulings undermine maritime stability.
- **Wider Consequences:** The weakening of maritime law has wider consequences. Sea lanes carry global trade, energy supplies and strategic goods. If maritime rules are ignored, smaller coastal states become vulnerable to coercion, and the risk of conflict increases in important maritime zones.
- **Relevance for India:** For India, this issue has direct relevance. India depends on secure sea lanes for energy imports, trade and maritime connectivity. It also supports freedom of navigation, respect for exclusive economic zones and peaceful settlement of disputes. A weakened maritime legal order would affect India's interests in the Indian Ocean and the wider Indo-Pacific.

Therefore, maritime law is not a distant legal concern for India, but a core element of its economic and strategic security.

e. Violations of International Humanitarian Law

- **Purpose of Humanitarian Law:** International humanitarian law seeks to limit the suffering caused by war. It protects civilians, hospitals, humanitarian workers, prisoners of war and essential infrastructure. It also prohibits starvation as a method of warfare and restricts attacks that are disproportionate or indiscriminate.
- **Recent Patterns of Violation:** Recent conflicts have shown repeated violations of these principles. Attacks on civilians, hospitals, schools, water systems, power infrastructure and humanitarian corridors have raised serious concerns. Siege tactics, forced displacement and denial of essential supplies weaken the distinction between combatants and civilians.
- **Damage to Moral and Legal Authority:** Such violations damage the moral and legal foundations of international law. If humanitarian rules are ignored during war, civilians become the main victims of geopolitical conflict. This also weakens global confidence in institutions meant to protect human dignity during armed conflict.

The erosion of humanitarian law shows that the crisis of international law is also a crisis of human protection during war.

f. Human Rights and Selective Enforcement

- **Continuing Violations:** Human rights treaties are also facing erosion. Mass detention, forced displacement, torture, ethnic persecution, restrictions on civil liberties and harsh migration policies have exposed the gap between human rights commitments and actual state behaviour.
- **Problem of Double Standards:** The challenge is not only violation, but selective enforcement. Powerful states often criticise human rights abuses by rivals while ignoring violations by allies or themselves. This creates accusations of double standards and reduces the legitimacy of human rights mechanisms.
- **Need to Preserve Human Rights Norms:** However, the misuse or selective use of human rights language should not lead to abandonment of human rights law. These norms remain essential for protecting individuals against arbitrary power. The real challenge is to make human rights enforcement more consistent, credible and less dependent on geopolitical convenience.

Thus, the credibility of human rights law depends on universal and even-handed application rather than selective invocation.

g. Weakening of Arms-Control Regimes

- **Importance of Arms Control:** Arms-control regimes are another pillar of international stability. Treaties such as the Intermediate-Range Nuclear Forces Treaty, Open Skies Treaty and New START were designed to reduce strategic mistrust, improve transparency and limit arms races.
- **Rising Strategic Insecurity:** The weakening, collapse or uncertainty surrounding such regimes has increased global insecurity. When arms-control arrangements break down, states may expand nuclear arsenals, develop new missile systems and reduce transparency. This increases the risk of miscalculation, especially during crises.
- **Relevance for India:** For India, arms-control instability is significant because it affects the wider nuclear and strategic environment. A world of weakening arms-control norms and renewed great-power rivalry can create pressure on all nuclear-armed states, including India.

This makes arms-control erosion a global security problem, not merely an issue among major powers.

h. Climate Governance and Weak Compliance

- **Voluntary Nature of Climate Commitments:** Climate and environmental commitments also reveal the weakness of international enforcement. Climate agreements depend heavily on voluntary pledges, reporting mechanisms, peer pressure and political goodwill. However, the gap between commitments and implementation remains large.

- **North-South Trust Deficit:** Developing countries often argue that rich countries have not fulfilled their responsibilities on climate finance, technology transfer and historical emissions. At the same time, many countries delay emissions reduction or weaken environmental obligations due to domestic political and economic pressures.
- **Impact on Global Commons:** Poor climate compliance weakens global trust. Climate change is a shared threat, but if commitments are not honoured, cooperation becomes difficult. This shows that the crisis of international law is not limited to war and security. It also affects the global commons, including climate, oceans, biodiversity and the atmosphere.

Therefore, the credibility of international law also depends on whether global environmental commitments are implemented in a fair and reliable manner.

i. Institutional Crisis of Global Governance

- **Paralysis of the United Nations Security Council:** The crisis of international law is also an institutional crisis. The United Nations Security Council is frequently paralysed by veto politics. When permanent members or their allies are involved in conflicts, collective enforcement becomes extremely difficult.
- **Limits of the International Criminal Court:** The International Criminal Court faces jurisdictional limits, lack of universal membership and accusations of selective prosecution. Many powerful states either remain outside its jurisdiction or resist its authority.
- **Weak Enforcement by Treaty Bodies:** Treaty bodies and international monitoring mechanisms often depend on voluntary compliance. They can issue findings, reports and recommendations, but they lack strong enforcement power against powerful states.
- **Law-Power Gap:** This creates a structural problem. International law exists, but its enforcement depends heavily on power relations. When law and power move in opposite directions, law often loses.

This institutional weakness explains why legal norms remain formally present but practically vulnerable.

j. Why International Law Still Matters

- **Normative Value of Law:** Despite these weaknesses, international law should not be dismissed as irrelevant. Even imperfect rules perform important functions. They create expectations, shape legitimacy, guide state behaviour, provide language for accountability and help mobilise global opinion.
- **Reputational and Diplomatic Costs:** States often try to justify their actions in legal terms because legality still matters for legitimacy. International law may not always prevent violations, but it can impose reputational costs, create diplomatic pressure and provide a basis for future accountability.
- **Shield for Smaller States:** For smaller states and developing countries, international law remains an important shield against coercion. Without legal norms on sovereignty, maritime rights, humanitarian protection and environmental responsibility, global politics would become more openly dominated by raw power.
- **Need for Reform, Not Abandonment:** Therefore, the solution is not to abandon international law, but to strengthen its credibility, consistency and inclusiveness.

This balanced view is important because declaring international law irrelevant would only strengthen the logic of power politics.

k. India's Perspective

- **Principle and Pragmatism:** India's approach to international law is shaped by both principle and pragmatism. India values sovereignty, non-interference, territorial integrity and strategic autonomy. At the same time, it supports a rules-based order in areas such as maritime security, counter-terrorism, trade, climate negotiations and global governance reform.

- **India's Interest in Predictability:** India has a strong interest in maintaining respect for international law because it is a rising power but not a hegemonic power. It benefits from predictability in the global system. It needs secure sea lanes, stable energy flows, fair trade rules, respect for sovereignty and protection against cross-border terrorism.
- **Need for Reform of Existing Institutions:** However, India also recognises that the present global order is unequal. Many institutions reflect post-Second World War power structures and do not adequately represent contemporary realities. Therefore, India's position is not simply to preserve the existing order, but to reform it.
- **India's Preferred Order:** India's ideal approach is a rules-based, multipolar and reformed multilateral order, where global rules are applied consistently and institutions are more representative of developing countries.

This approach allows India to defend international law without accepting an unequal or unreformed global order.

1. Way Forward

- **Reform the United Nations Security Council:** The United Nations Security Council must be reformed to make it more representative and less paralysed by great-power rivalry. Without reform, its legitimacy and effectiveness will continue to decline.
- **Strengthen Humanitarian Accountability:** Accountability for violations of humanitarian law must be strengthened. Civilian protection, humanitarian access and prohibition of attacks on civilian infrastructure should be applied consistently across conflicts.
- **Ensure Consistent Application of Law:** International law must be applied consistently, not selectively. Powerful states must not use law only against rivals while exempting themselves and their allies.
- **Strengthen the UNCLOS-Based Maritime Order:** The UNCLOS-based maritime order should be strengthened through respect for arbitral rulings, freedom of navigation, peaceful dispute resolution and protection of exclusive economic zones.
- **Revive Arms-Control Dialogue:** Arms-control dialogue must be revived. Nuclear risk-reduction mechanisms, transparency measures and crisis communication channels are essential in a period of renewed strategic rivalry.
- **Improve Climate Compliance:** Climate and environmental treaties require stronger compliance mechanisms. Developed countries must fulfil commitments on climate finance and technology transfer, while all countries must strengthen domestic implementation.
- **India's Role:** India should continue advocating a rules-based, multipolar and reformed multilateral order. It should work with like-minded countries to defend sovereignty, maritime law, counter-terrorism norms, climate justice and institutional reform.

A credible way forward must therefore combine institutional reform, consistent enforcement and respect for the interests of developing countries.

Conclusion

The weakening of international law reflects a deeper crisis of global governance. Powerful states increasingly treat legal norms as flexible instruments rather than binding obligations. This selective approach undermines the credibility of the rules-based order and creates insecurity for weaker states, developing countries and middle powers.

Yet, abandoning international law would push the world towards instability, coercion and open power politics. The task is not to reject international law, but to make it more representative, consistently applied and institutionally credible.

For India, the priority should be to defend a reformed and inclusive rules-based order that balances sovereignty, accountability and global stability. In a fragmented world, international law remains imperfect, but it is still essential for restraining power and preserving order.

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