

Prerequisites for Political Understanding and Policymaking [5]

The Origins of International Law

(Translated)

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The existence of entities and states in the world and their interaction with one another pushed them, over time, to agree on norms that punish those who violate them. Due to the influence of public opinion on rulers and entities, entities and states voluntarily adhered to these norms. International Customs were the basic nucleus from which International Law was later formed.

International customs may be general or specific. General international custom is a custom adhered to by all countries of the world, accepted by public opinion, and considered as a custom on a consistent basis, not transiently. Specific international custom is a custom specific to one region of the world. Therefore, the terms "customary international law" and "regional international custom" are used, depending on the scope of the countries that implement a particular custom. An example of this is the regional international custom that emerged following the Cold Wars between Britain and Iceland, which concerned fishing rights in international waters. Iceland obtained a British concession to fish within 200 nautical miles of Icelandic waters. This solution became a custom, and later international law, based on which the so-called exclusive economic zones in the seas are demarcated. An example of regional customs is the customary Arab practice before the Prophet's (saw) mission, which prohibited fighting during the sacred months. Another general international custom is the immunity of messengers and ambassadors.

In the mid-seventeenth century, European countries rushed to regulate their relations. The Treaty of Westphalia of 1648 established a law regulating their relations. This treaty served as a practical foundation for the subsequent enactment of international law encompassing the world, not just Europe. Among the most prominent conferences that regulated international relations was the Congress of Vienna in 1815, which worked to resolve many of the issues arising from the French Revolutionary Wars, and concluded with the demarcation of borders on the European continent. The same conference also included the Paris Conference in 1919, which resulted in the partition of the Ottoman Caliphate and the establishment of the League of Nations.

Public international law is the body of law that regulates relations between states in times of peace and war, and grants international organizations authority over states in this regard. This authority is exercised by executive international bodies, such as the UN Security Council, which are under the authority of the world's leading state, or are contested by the world's major powers that influence the international situation.

Examples of public international law include laws resulting from international agreements, such as the Geneva Convention. Public international law also includes laws issued at the level of a group of states and whose obligations are at the state level, not at the individual level, such as the Treaty on the Non-Proliferation of Nuclear Weapons.

It is clear that international law is established by major powers that achieve victory in conflicts, or by major powers whose strength is equal and who realize that there is no victory in a conflict. They then move toward regulating their relations through an agreement unanimously agreed upon by the signatories, which then becomes international law. This can be achieved through international treaties and agreements, general legal principles, or what is derived from international custom. The agreement of European countries following the Treaty of Westphalia enabled these countries to stand on their own two feet and fight the Ottoman Caliphate, which had breached the walls of major European countries and threatened other countries. Therefore, it is clear that International Law (IL) was created to stop the spread of Islam towards Europe.

Western powers worked to establish organizations and bodies that drafted international laws and UN resolutions and tried individuals and countries on their basis. This was done in order to legally impose sovereignty over the world and make these bodies and organizations supreme. In this context, the League of Nations, then the United Nations, and the International Criminal Court were established. These bodies are linked to the world's leading state in terms of orientation, and to the Security Council in terms of implementation in the case of the United Nations.

Therefore, these organizations and bodies are a tool in the hands of the world's leading state to enforce its policies around the world. However, because other states participate in these organizations, this makes the leading state vulnerable to the wrath of other states.

Failure to adhere to international law embarrasses states, even the world's leading state. Although they may, at any given moment, weigh up the importance of achieving a vital interest that requires violating international law, against the potential embarrassment that would befall them, they still seek to employ tricks to improve their image, and deflect the accusation of violating international law. For example, during his 2022 war on Ukraine, Russian President Putin sought to demonstrate that he was not violating International Law. He did not enter Ukraine by ground troops, until the breakaway republics called on him to defend them. Similarly, the United States did not enter the Iraq war in 2003, until it had mobilized public opinion that Iraq possessed weapons of mass destruction. Although this lie embarrassed it later, America had achieved its goal, and it subsequently sought to mitigate the impact of public opinion that had formed after the revelation of its lie about weapons of mass destruction. Countries undoubtedly care about global public opinion, and global public opinion may even be reflected in domestic public opinion, embarrassing its government. The United States seeks to control domestic public opinion, which, in one way or another, influences elections and the decisions of the House of Representatives and the Senate.

The need to examine the issue of international norms and International Law is important for political understanding and policymaking. It is also necessary to understand the status of the commitment of the major powers in international law. It is not right to assume that these countries cannot violate the International Law, nor is it right to assume that these countries do not care about the International Law at all. Instead, understanding the International Custom or the International Law helps in formulating the policy that leads to the desired goal. When the Prophet (saw) set out for the Umrah of Hudaibiyyah, he announced this and informed the Arabs that he was going to perform Umrah and that he was only carrying a weapon suitable for a rider, which was not a weapon of war. He prepared the atmosphere to put the

Quraysh in a severe embarrassment, if they prevented him from entering Makkah, on top of the embarrassment if they opened its gates to him. He was looking forward to a peace treaty, so he pushed them towards it, using a regional custom that the Quraysh served the Haram and it was not right for them to prevent anyone from going there for worship.

International Standing (Al-Mawkif ad-Duwali)

The International Standing is the status of a country in the world and its relationship with other influential countries. It is also the structure of relations between influential countries in the world. This means that we should not view the International Standing in the same way as we view the policy of each individual country, because each country's policy stems from its viewpoint upon life. Understanding that policy depends on understanding the idea and method (fikrah wa tareeqah) by which a country establishes its policy. This is unlike the International Standing, which is composed of relations between influential countries in the world. These countries do not necessarily have to share the same viewpoint upon life. Instead, the general situation is that these countries differ in their viewpoint upon, but they form relationships among themselves in peace and war.

The International Standing is shaped by the disparity between influential countries in the world, in terms of their status in international politics. This international standing is shaped by elements including a country's military power, economic power, diplomatic power, industrial and technological power, and demographic power. Consequently, disparities between countries emerge, and consequently, disparities in the influence of countries on international relations and, consequently, on International Standing. Hence, the terms "world's leading state," "independent state," "satellite state," and "subordinate state" emerged. It is necessary to understand the standings of the world's leading state and the standings of other states relative to it.

The world's leading state is the state that takes the lead in shaping the International Scenario (climate) (al-jau as-siyaasee), through the relationships that connect other states to the leading state. States seek to achieve their interests by working to achieve the interests of the leading state, thus sharing interests with it, or by competing with or disputing with the foremost state. This makes the state disputing the leading state generally influence the International Scenario according to the extent of its dispute and its success in that dispute.

The world's leading state shapes the global political climate, pushing states toward its ideology and political approach. Any state seeking to assume the standing of the world's leading state must work to shift the scenario in its favor. Its path to becoming the world's leading power must pass through competing with the world's current leading power, shifting the political scenario in its favor, working to disengage it from the current leading power, exposing its injustice and the harm it causes the world through its continued leadership, and other necessary steps to disengage states from it and to help shape public opinion against its policies. It is necessary to adopt practical styles that demonstrate that the state that seeks to become the leading power is the most worthy of shouldering global responsibility, and so on.

The International Standing is fluid and not always stable. Therefore, anyone who seeks to attain a sound political understanding, and formulate a policy that benefits their country and people, must continually examine international relations to understand the International Scenario and its established situation, or whether it is undergoing a period of instability and change. The center of power shifted from the Romans to the Muslims, from France to England, and from England to Germany. The

Soviet Union and the United States competed for influence over the world, then reached an agreement. Then the United States assumed the monopoly of shaping the International Scenario, and so on.

This is the world's leading state. Other states are either independent, satellite or subordinate. A subordinate state is one whose policy is restricted by another state. Egypt, since the days of Abdel Nasser, has been submitting subordinately to America, engaged in American projects in the region, and implemented American policies, even though these policies have at times harmed Egypt and its economy. Saudi Arabia swung between its loyalty to the British and its loyalty to the Americans, until Salman and his son came to power. They then worked to implement American policies, even if they had no interest in them. Saudi Arabia launched Operation Decisive Storm against Yemen in 2015. This war consumed vast sums of Saudi Arabia's resources, but Saudi Arabia gained nothing politically from it. The only benefit America gained from bringing the Houthis to the negotiating table was their ability to consolidate their position as a significant political force, participating in governing Yemen, or later monopolizing it after conflicting with the British agents there.

A satellite is one that is linked in its foreign policy with another state by a link of interest, not a link of submissive dependency. An example of this is Japan, which, since the end of World War II, and after emerging defeated, and imposing conditions on its military nature, has sought to achieve an industrial and economic status for itself. It has achieved a prestigious International Standing on the global level in this regard. However, in its foreign policy, it has been working to achieve its own interest by achieving America's interest. It joined the Quadrilateral Dialogue (Quad) with the United States, Australia, and India in 2007, within the framework of containing China. Similarly, as a satellite, Turkey, after the coup against the British there, sought to achieve its interest by achieving America's interest. It sent forces affiliated with it to Libya in 2020 in order to establish a foothold in the American center in Libya, and worked to abort the Syrian revolution, to prevent the collapse of the American-backed Syrian regime. It contained a group of officers who defected from the Syrian army, and the factions formed at the time, until it was able to insert its hand into the Syrian revolution, prevent decisive fronts from opening, and transform the front into a fight between factions, since the beginning of the Syrian revolution in 2011 until the present time. Then, when it wanted to subject the Syrian regime to a kind of normalization of relations with Turkey, and the regime refused, it mobilized the forces of those factions in 2024, until the Syrian regime was overthrown, and Turkey's hand extended to control the scene in Syria in favor of America. However, at the same time, it was working to achieve its own interests and formulate its domestic policies based on its orientations, so its connection to America in foreign policy was one of interest, not subordination.

An independent state is one that conducts its domestic and foreign policy as it pleases and according to its own interests. China, for example, acts in its own interests based on its vision of what it should be and how it should achieve that. It wants to be a strong economic power and an unrivaled commercial power. It explored Africa for resources, then made its way to Latin America, establishing a port in Peru, 60% of which it owns and has a thirty-year concession to operate.

China has persevered in its pursuit of its goal despite obstacles from America. It views Taiwan as part of itself and adopts a policy it deems appropriate, even though

America has made Taiwan a thorn in its side. The same applies to Russia in its domestic and foreign policy.

The observer should not imagine that there is a relationship of dependency between Russia and America, given Russia's preoccupation with realizing America's interests in some matters. This is because an independent state can achieve its interests by securing the interests of the world's leading power. This does not make it a subordinate state or a satellite. This is because an independent state formulates this policy independently of the decisions of the leading power, while the interests of the satellite state are closely linked to its foreign interests with the world's leading power.

It is very important to explore the depths of international relations and understand the standing of the leading power and other powers. This understanding enables the politician and observer to understand the connection between events and the leader of the International Scenario in the world. By understanding this, one can understand the political influence of the leading state on events, in terms of creating, extinguishing, shifting, or containing them. America pushed Ukraine towards NATO, igniting a war between Ukraine and Russia in 2022, thus affecting the alliance that was emerging between Russia and China. It worked to support Ukraine and put pressure on Russia, preventing Russia from benefiting from the SWIFT financial system, enacting a set of sanctions against it, and pushing Europe to participate in the sanctions against Russia, and even Europe itself was severely harmed by this war. However, America rallied Europe under its wing and strengthened NATO. This is a political event that the world's leading state created to contain another event that Russia and China worked on, which was to form an alliance between them. In contrast, the revolutions in the Arab countries, when they occurred, were spontaneously initiated by the masses, and reached the point of toppling regimes in Egypt, establishing a new regime in Syria, America exploited the event to bring its own people into the regime in Yemen, and pushing those who oppress the people to oppress them, and those who defraud the people in the name of revolutionary political fronts to do so. It even pushed other countries to provide military assistance, pushing Russia and Iran towards Syria to stand with the regime, and pushing Turkey and Saudi Arabia to stand with the rebels. Thus, it was the most prominent influence on the event.

Therefore, it is incumbent upon the observer and policymaker to accurately understand the International Scenario; otherwise, they will go off the rails and consider the subordinate state as an independent state, and the satellite state in conflict with the leading state! It is one of the wonders of this era that some people consider Bin Salman, the Crown Prince of Saudi Arabia, independent. This is because he was strong in his dealings with Jake Sullivan, the US National Security Advisor, and rejected his request to change his oil production policy during the first term of US President Biden's administration in 2021. It is also strange that some people consider Iran a rival to America, as it has deployed factions affiliated with it in Iraq, Syria, and Yemen, threatening American interests and even bombing their bases with missiles. However, if one were to look closely, one would find that what strengthened Bin Salman's position against Biden was Biden's rival in America, Donald Trump. They would also find that America itself, through Iranian parties and their agents, has controlled the political climate in Iraq, controlled the situation in Syria, and is almost controlling the government in Yemen.

[to be continued]