



International law is failing and civilians are paying the price:

An opinion on Linda Kinstler's article "Are we witnessing the death of international law?"

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Abstract

After reading [Linda Kinstler's article](#) in The Guardian, it is a challenge not to feel alarmed or simply scared. International law, in its current form, seems to be failing. Despite its big goals -promoting justice, peace and standing for the protection of human rights - it often falls short in practice. Civilians end up suffering while powerful states and their leaders 'flout' rules with little consequence. After reading the article, the importance of raising awareness about this issue was evident, demanding collective efforts toward a solution. The problem does not lie within the international justice institutions, but rather within the way international law is enforced; especially when states responsible for war crimes refuse to recognize the authority of the court meant to prosecute those guilty of war crimes and bring justice to victims.

Keywords: International criminal law, International criminal court, international court of Justice

Introduction

International law was created to regulate relations between countries, prevent violence and give powerless legal protection when it matters most. But in today's day and age, it often looks more like a set of suggestions for the strong and powerful rather than a shield for those at risk. Crises in Gaza, Sudan or Kashmir, for example, show the gap between what the law promises to do and what happens in practice.

When Treaties lose their binding force

It can feel like international law only exists on paper, exactly as Kinstler argues. Kinstler names Kashmir as an example: India's missile strikes on Pakistan and its suspension of the Indus Water Treaty reveal how fragile international agreements have become. The Indus Water Treaty is an agreement between India and Pakistan that governs the use of the Indus River system in the



territories of the two countries.¹ This is more than just a conflict between the two states; it shows us how treaties only work if states want them to work. The Treaty affects nearly 250 million people in Pakistan alone, and the idea that it could be suspended because India has a conflict with Pakistan shows how much international law relies on states' self-restraint.²

Limits of International Courts and enforcements

A further point Kinster brings to attention is symbolism. Institutions meant to uphold global peace and justice, like the International Court of Justice (ICJ) and the International Criminal Court (ICC), namely often seem rather symbolic. Arrest warrants for country leaders like Vladimir Putin or Benjamin Netanyahu have made the news, but in reality, enforcement is almost non-existent.³ The problem does not lay in the lack of prosecution by the ICC, but in the fact that powerful countries, such as Israel, Russia and the US have not ratified the Rome Statute (the founding document of the ICC). That means that they do not formally recognise the ICC's jurisdiction over their own jurisdiction. That way, they are putting themselves above international law and international accountability.

Selective justice

The ICC itself highlights the limits of international law and its work in practice. The ICC, with a budget of almost €200 million a year, has only manages thirteen convictions since it entered into force on the first of July 2002.⁴ The noticeable thing about these convictions is not only its small number with a large budget, but also the fact that all these convictions have taken place in Africa. This is also referred to as the Africa Bias. Some African Union members have even threatened to leave the Rome Statute, stating it has a 'neo-colonial' feel.⁵ The noticeable thing about most ICC

¹ The Indus Water treaty, 1960, <https://treaties.un.org/doc/Publication/UNTs/Volume%20419/volume-419-I-6032-English.pdf>

² Linda Kinster, "Are we witnessing the death of international law?", The Guardian, June 26 2025, <https://www.theguardian.com/law/2025/jun/26/are-we-witnessing-the-death-of-international-law>

³ OHCHR, *Israel's assault on the foundations of international law must have consequences: UN experts* (Press Release, 30 December 2024) <https://www.ohchr.org/en/press-releases/2024/12/israels-assault-foundations-international-law-must-have-consequences-un> accessed 19 December 2025.

⁴ International Criminal Court, *About the Court* (ICC) <https://www.icc-cpi.int/about/the-court> accessed 19 December 2025.

⁵ ICC Forum, *Africa Question – Is the International Criminal Court (ICC) targeting Africa inappropriately?* <https://iccforum.com/africa> accessed 19 December 2025



convictions taking place in Africa, is that it highlights the fact that Court's reach is strongest where states are weaker, and weakest where political and military power is concentrated.⁶

International law as a tool to justify violence

Sometimes, international law is even used as a tool to justify violence. An example is the *Dahiya doctrine*, which was made by the Israeli military and calls for the use of disproportionate force; it is even used as justification of the targeting of civilians in some cases.⁷ This directly goes against the principle of proportionality within international humanitarian law.⁸ In practice, international law seems to protect states more often than it protects people, giving governments ways to justify their acts of aggression instead of preventing them from happening.

Loss of moral authority and public trust

Ineffectiveness of the law also hurts its moral authority. People begin to doubt both international and national law when they realize international law can be ignored or disregarded.⁹ If international law cannot hold the powerful accountable, its role as a framework for fairness and justice falls apart as people lose their trust in the system.

Gaza as evidence of systemic failure

Gaza is, for many, a clear example. The ICC has issued arrest warrants and the ICJ has made rulings, but enforcement has not been realized to this day. Every day, civilians suffer, and the states that are to blame have not suffered any real consequences for their actions. This problem does not only have a legal dimension, but it shows that international politics is failing. Daniel Bethlehem, a former UK legal advisor, points out that current institutions are not structured to handle today's

⁶ Council on Foreign Relations, *Africa and the International Criminal Court* (Backgrounder, archived) <https://www.cfr.org/backgrounder/africa-and-international-criminal-court> accessed 19 December 2025. [Council on Foreign Relations](#)

⁷ Institute for Middle East Understanding (IMEU), *Explainer: The Dahiya Doctrine & Israel's Use of Disproportionate Force* (31 July 2024) <https://imeu.org/resources/resources/explainer-the-dahiya-doctrine-israels-use-of-disproportionate-force/175> accessed 19 December 2025.

⁸ International Humanitarian Law Centre (Diakonia), *The Principle of Proportionality* <https://www.diakonia.se/ihl/resources/international-humanitarian-law/ihl-principle-proportionality/> accessed 19 December 2025.

⁹ Linda Kinstler, 'Are we witnessing the death of international law?' *The Guardian* (26 June 2025) <https://www.theguardian.com/law/2025/jun/26/are-we-witnessing-the-death-of-international-law> accessed 19 December 2025.



complex crises.¹⁰ This seems to be true, but it should not justify the fact that justice continues to go unserved. In this day and age, we cannot ignore enforcement, and we need to be able to hold powerful complicit states accountable for their actions. Otherwise, international law will remain mere aspirational words and promises while human lives continue to pay the price.

Conclusion: Reimagining international law

In short, and thereby agreeing to Kinstler's argument, the way international law and its institutions operate today cannot be relied on in times of crises. The principles are there, but the system continues to fail to uphold them. From Gaza to Ukraine, Kashmir to climate change: international law is silent when it matters most. The courts, treaties and customary rules do exist but without political will from states and enforcement from the ICC and ICJ they are almost powerless. To truly protect the vulnerable and serve justice, the way international law is enforced needs to be reimagined, not within the institutions but also in political commitment and the ability to enforce rules on non-parties of the Rome Statute. Otherwise, it will remain a collection of ideals with little impact on the world and its peace.

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¹⁰ Ibid.



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