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A Review of International Law and Treaty Relationship in International Relations

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Abstract

This work reviewed the reality of treaty relationship in International relations. As a notable tool in organization and community, law has directed and regulated relation among states especially in their pursuit of interests' in the International arena. International law has been the rules put in place to guide these relationships. It is International law that has continued to set out principles and frame works that moderates and harmonizes State interests. International law is likened to customary law because it is a product of the conscience of State as there is a general repetition of similar acts that maintains international relations. International law has developed in accordance with the unfolding trends in International relations, notable among which is treaty relationships. A treaty is an agreement, formal or informal between States, governed by International law. The law of treaty according Umuozurike 1999, is more or less a codification of existing customary law on which International law is based upon. Treaty relationships in International law creates rights and obligations that give Parties contractual capacity in International law. To justify the importance of treaty in International relations, the work examined the element of Statehood as the major actor in International relations. The history of International relations traced back to the 1648 Peace of WestPhalia that ended the 30 years war gave States sovereign rights in International law. In the International system, the existence of sovereign authority is universally recognized as the essential qualification of its membership in the International community, where the United Nations has played very notable role. International Institution building has remained the most important transformation in the development of International relations. The establishment of the United Nations in 1945 marked a significant milestone in the history of International relations that this study made a slight analysis on. The laws governing treaty relationships was on the initiative of the United Nations in her quest to fulfil her aims and purpose to maintain International Peace and Security. States are bound by treaties duly entered into. From the definition of treaty, to the formalities in signing, to the ratification, reservation, registration and deposit, application and operations, to termination as reviewed, shows that treaties are very fundamental in the formation of International Law and International relations.

Keywords: *International Law, Treaty Relationship, International Relations*

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Background to the Study

Law has renamed an outstanding instrument in organization and Communities. Every Society has constantly created for itself a frame work of principles to steer its development. According to Shaw 2007 law consists of a series of rules regulating behavior and reflecting, to some extent, the ideas and preoccupations of the society with which its functions. Since no man can stand as an island, so no society can stand independent of itself, hence relationship must prevail. For States as legal entities in the international society, relationship among them have always tended towards competition, in pursuit of their separate interests.

International law is most commonly seen as a system of rules to guide States actions in their inevitable struggle in the international arena. International law deals with the corporate activities of States, that we can say it is the law that regulates international relations. International law sets out series of principles and creates frame works that clarify moderates and harmonizes State interests. Traditionally, international law can be likened to customary law because it is the product of the conscience of States and not the will of political superiors. International law, being traditionally customary law, means there is a general repetition of similar acts by States that are juridically necessary to maintain and develop international relations (Brownile 1990)

The modern system of international law traced to the 1648 Peace of Westphalia required an acceptable mechanism to direct inter State relations in accordance with commonly accepted standards of behavior. International law was based upon agreements between States and to a large extent, could not be unilaterally altered. However, as the complexities of life evolved, so has international law continued to develop to meet up the exigencies of relations that we can assert that international law is a product of its environment? According to Shaw 1997, International law has developed in accordance with the prevailing notions of International relations and in harmony with the realities of the age. It has continued to meet up with the exigencies in the international system.

A treaty is an agreement, formal or informal between States governed by International law. Treaties can also be seen as Convention, Protocol, declaration, charter, Covenant, Pact, Act, Statue, Concordat, Modns Vivendi, exchange of notes (or letters) process verbal etc. International transactions are normally carried out through treaties. The law of treaties is more or less a codification of existing customary law on which International law is also based upon. According to the Permanent Court of International Justice (PCIA), to enter into a treaty is an exercise of Sovereignty as treaties are usually negotiated by accredited representatives (Umuozurike 167-72).

International Relations

International relations simply mean activities in the International arena. It can be defined as the sum total of transactions, interactions and activities of States. It is an encapsulation of all relationships across national boundaries. Onuoha, 2008 defined it as the systematic and patterned interactions or transactions between States and non-State actors in the International system, which involves the 3Cs, namely, Cooperation, Competition and Conflicts. These 3Cs constitute the subject matter of International relations.

For Mingst 2004, International relations is the study of the interactions among the various actors that participate in International Politics; including States, International Organizations, Non-Governmental Organizations, sub national entities like bureaucracies and local governments and individuals. Ogaba 2000 defined International relations broadly as all activities, public and private, that extend or have the potential of extending beyond the territorial boundaries of a State. According to him, International relations is a field that embraces all intercourse and interactions among States and all movements of people, goods and ideas across national frontiers with States as major actors in the International system, International relations can be seen as a process by which States adjust their national interest with one another. International relations studies focuses on diverse issues such as International Trade Unions, international migrations, tourism, transportation, communication, environmental issues, Health and disease etc. Most of these issues are cemented in treaties. International relations borders on the Political, Economic, Social and Cultural interactions among international actors. International relations is all kinds of relations traversing State boundaries of economic, legal, political and all human activities, originating on one side of a State and affecting the wider society. International relations deals with the complete interactions of the various peoples, and cultures inhabiting the world society (Keohane. 1997)

The State in International Relations

State is the major actor in International relations and as such a legal entity. According to Mingst 20, the State is a functional unit that takes on a number of responsibilities, centralizing and unifying them. The State is one of the various political institutions which societies have developed. According to Hensley 1986, the State is a distinctive Political institution, the particular means of organizing politics which societies have adopted at a particular stage in their evolution. The power and competence of the Political system has varied from society to society and from time to time in every society. The State can be seen as the territorial parcel into which the world is divided with a population, government and capacity to enter into relations with other entities.

The history of International relations, traced back to the 1648 Peace of Westphalia that ended the 30 years war, gave State a sovereign status in International law. All territorial Units were from then, subject to territorial sovereignty and jurisdiction. The development of International law gives exclusive authority to States within an accepted territorial framework. Most nations developed through close relationships with the land they inhabited, that the principle of respect for the territorial integrity of States has remained a hall mark in International relations. According to Umozurike, 1993, Article 1 of the Montevideo Convention on Rights and Duties of States 1933 lays down the most widely accepted foundation for Statehood in International law.

It asserts that a State must possess the following attributes;
A permanent Population
A Defined territory
A Government
Capacity to enter into relations with other States

The Arbitration Commission of the European Conference on Yugoslavia 1995 in Opinion No 1, declared that the State is commonly defined as a community which consists of a territory and a Population subject to an organized Political authority and that such a State is characterized by sovereignty.

A State is in existence when a people are settled in a territory under its own sovereign government. For the territory and its people to function effectively, it needs some form of government or central control. In the International System, the existence of sovereign authority within the separate community is universally recognized as the essential qualification of its membership in the International community. However, it is not in doubt that the internal structure of the modern body politics has become so complex, with a mode of operation so diverse and the distribution of power far dispersed. The growth in the role and power of the State has been accompanied by increasing complexity and sophistication in the International community (Armsrtong et al 2007).

The United Nations in International Relations

International Institution building is obviously the most important transformation in the development of International relations and modern diplomacy. The establishment of the United Nations (UN) in 1945 marked a significant milestone in the history of International relations. The Charter which was originally drafted and adopted by fifty-one States has continuously attracted the attention of other States that by 1960 the number had doubled, and is at present 194. The universal nature of the organization and its primary objectives and principles are captured in the preamble:

It is without doubt that as the whole world was engulfed in wars up to early 1940s, the sense of the pity of war and the pity wars distilled strengthened the passionate concern as expressed in the preamble(Bowett 1973, 22) The sense of horror evoked by the hostilities of genocide and the flagrant disregard of human rights by the defeated Nazi regime of Germany, strengthened the search for a more effective system of a common law for mankind under which the right of the human person, whether individual or in association with his fellows could be more effectively protected (Shearer 1994, 568-569)

> *We the peoples of the United Nations determined to save succeeding generations from the scourge of war which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, the dignity and worth of the human person, and the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of International law can be maintained and to promote social progress and better standards of life in larger freedom . . .*

Article 1 of the U.N. Charter; states the purposes and principle of the United Nations States as follows:

1. To maintain International peace and security and to that end: to take effective collective measures for the prevention and removal threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about,

by peaceful means, and in conformity with the principle of justice and International Law, adjustment or settlement of international disputes or situation which might lead to breach of the peace.

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of people, and to take other appropriate measures to strengthen universal peace.
3. To achieve international co-operation in solving international problems of economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, creed, language or religion.
4. To be a centre for harmonizing the actions of nations in the attainment of these common end (Obiozor and Ajala 1998, 5)

The UN Charter, thus, introduced new controls to eliminate or reduce use of force at the international level, and safeguard against violent tactics among its members! Formally endowed with a range of means to settle dispute, including, for the first time in history, establishing mechanisms for an international force fundamentally to maintain peace and security and a Council to oversee economic and social problems, it made the promotion of human rights a principal issue in international co-operation.

The history of the UN has been marked by periods of intense activity interspersed with periods of relative in-activity due to historical and geographical constraints. Despite all allegations leveled against the UN for its institutional weaknesses, the Organization remains the most sophisticated diplomatic machinery ever designed for the maintenance and enhancement of International relations and Security.

Treaty relationship and International Relations

A Treaty is an agreement formal or informal between States governed by international law. Treaty relationships in International law creates rights and obligations that give the Parties contractual capacity in International law. Although treaties may be conducted between States and International organizations, they are in essence concerned with relations between States. The name of the agreement is suggestive of the goal aimed at. Mere intention to be bound does not make an instrument a treaty if the governing law is municipal and not international. Such agreements in addition must be made by persons authorized to enter into treaties.

According to O' Connell, 1970, conservative opinion holds that no agreement is a treaty unless signed with the authority of the Head of State or the foreign office. Apart from a few international organizations which have treaty making capacity, only States are competent entity in treaty relationships. The Vienna Convention on the law of Treaties of 1969 in Article 2 define a treaty as an international agreement concluded between States in written form and governed by international law. The Harvard Research defines a treaty as a formal instrument of agreement by which two or more States establish or seek to establish a relation under international law, between themselves. According to the Osboms Concise Law Dictionary, a treaty is negotiations prior to and leading up to a contract or agreement between the

governments of two or more States. Igwe 2005 asserts that treaty is the basic instrument in relations between States. Igwe defined a treaty as a written agreement essentially between States, usually signed by the accredited plenipotentiaries, ratified by their highest legislature or other bodies and ideally embodying provisions for verification of compliance, sanctions for non-compliance and several other details inferred directly or indirectly in the agreement.

Treaties are important means of creating, advancing or managing relations between States. However, a treaty starts with the identification of either a problem or a possible area of cooperation by any of the Parties, suggesting or imposing the ideal upon the other side (Igwe PP450 -452). According to Shaw 1997, treaties are a more direct and formal method of international law creation. The concept of treaty and its operation was indeed of utmost importance in the evolution of International law. The fundamental principle of treaty law is the fact that treaties are binding upon the Parties must be performed in good faith as referenced in Article 26, 31, 36 and 69 Convention on the law of Treaties. This is in line with the principle of *pacta sunt servanda* of International law.

Treaty relationship has an outstanding role in International relations because States as major actors are obliged to comply with treaties they have entered into in line with the general norm of *pacta punt servanda*. This idea is based on the fact that States ought to behave as they have customarily behaved. Not all treaties are enforceable. It depends upon the intentions of the Parties, Article 34 of the Vienna Convention on the Law of Treaty states that a treaty does not create either obligations or rights for a third State without its consent. Articles 35 and 36 allow for obligations and rights to accrue to third States if it is the intention of the Parties to the treaty and the third State consent. Once obligations and rights have accrued, they can only be revoked or modified with the consent of the States concerned. The practical content of State relations is embodied in agreements. International organization including the United Nations have their legal basis in multilateral agreements (Shearer 1980). This Article 2 excludes the various commercial arrangements such as purchase and lease made between Governments, and operating only under one or more national law. Article 3 makes provision for the other agreements. A treaty consists of Preamble, Body and Final Clauses, concluding with a Testimonial and the signatures are sealed. The United Nations Charter requires that treaties concluded by members States should be registered with the Secretary-General.

The registration of such instrument submitted by a Member State of the UN does not imply a judgement by the Secretariat on the nature of the instrument, the Status of the Party, or any similar question. The actions of the Secretariat do not confer on the instrument, the status of a treaty or an International agreement if it does not already have that status or does not confer on a Party a status which it would not otherwise have.

The Process of Treaty Making

Treaties may be made or concluded by the Parties an any manner they wish. There is no prescribed form or procedure on how a treaty is formulated. Treaties may be drafted as between States, or Governments or Heads of States or Government departments. The manner in which Treaties are negotiated and brought into force is governed by the intention and

consent of the Parties. The power to make Treaties varies from State-to State as it depends on the different municipal regulation. In Nigeria just as in the United States of America, the power to make treaties resides with the President with two majority consent of the Senate while in the United Kingdom; the Treaty making powers is within the prerogative of the Crown.

Article 7 of the Vienna Convention States that any person entering into Treaty relations must produce full powers to give it a legal effect. Heads of States and Government, Foreign Ministers, Head of Diplomatic Missions, Representatives accredited to International Conferences or Organizations need not produce such full powers. The provisions of the "full powers" according to Article 7 are to produce security to the Parties.

Consent - A State may express her consent to an international agreement by signature, exchange of instrument constituting a treaty, ratification, acceptance, approval or accession. Consent may also be expressed by any other means are as agreed by the Parties concerned. The Signature of a Treaty is the formal indication of agreement with its content. It does not include initialing which is merely an indication of approval of the text for subsequent signature. Article 12 of the Vienna Convention States that the consent of a Party to be bound is expressed by signature when the Treaty provides that signature shall have that effect, or the negotiating State have agreed or the full powers of the negotiators so provide. In the case of Treaties adopted at International Conferences, a two third majority of the States present and voting is required by Article9, unless by the same majority they shall decide to apply a different rule. Consent by exchange of instrument according to Article 13 provides that it may be expressed by that exchange when the instrument declare that their exchange shall have that effect or it is otherwise established that those States had agreed that the exchange of instruments should have that effect.

Consent by ratification means conformation. Article 14 States that Consent is expressed by ratification when the treaty so provides or the negotiating States have so agreed or the signature is made subject to ratification or the full powers so provide. (Connell, 1970, 209-211).

The Full Power is the document when usually diplomatic agents produce as evidence of authority to proceed to sign a treaty. Diplomats have clear authority to initiate a treaty as an indication of approval of the draft, but this does not bind their State, and a formal signature must follow. Signature of a treaty does not normally bring about legal obligations until ratifications are exchanged.

Treaty in their application to that State: The formerly accepted rule for all kinds of Treaty was that reservations were valid, only if the Treaty concerned permitted reservations and if all other parties accepted the reservation. The capacity of a State to make reservation to an International Treaty illustrates the principle of sovereignty of States. The problem does not arise in a bilateral Treaty since if it occurs, will only necessitate a renegotiation.

The effect of reservation is outlined in Article 21. Article 21 (3) provides that "where a State objects to a reservation but not to the entry into force of the Treaty between itself and the

reserving State, then the provisions to which the reservation relates do not apply as between the two States to the extent of the reservation". This provision was applied by the Arbitration Tribunal in the Anglo-French continental shelf case.

To ease the inherent problems in reservation, most Multilateral Conventions today specifically declare their positions as regards it. The Geneva Convention on the High Seas of 1958 makes to mention at all of reservation while others may specify that reservations are possible with regard to certain provisions only, others may prohibit it entirely.

Registration of Treaties

As earlier stated, and in conformity with Article 102, the United Nations charter provides that every Treaty and International Agreement entered inti by a member shall be registered with the Secretary-General. While a corresponding Article in the League of Nations Covenant provides that unregistered Treaty would not be binding on the League, the United Nations Charter states that such Treaty may not be invoked before any of its organs. Registration under Article 1(3) of the Regulations is open to non- member but is not obligatory.

Deposit of Treaties

The government designated to act as depository of a Treaty is usually nominated in the Treaty itself. They may be more than one depositary, and an International Organization or its Chief Administrative Officer may so act.

The function of a depositary is set forth in Article 77 of the Vienna Convention on the Law of Treaties. They include custody of the original text of the Treaty and full powers delivered with it, preparation of certified copies, receiving signatures of other instruments and communications, informing States entitled to become parties of acts, communication and notification relating to the Treaty, informing such States when the treaty enters into force and registered the Treaty.

Article 78 of the Convention requires a depository to act "impartially".

Entry into Force

Treaties basically will become operative when and how the negotiating States decide, but in the absence of any provision or agreement regarding this, a Treaty will enter into force as soon as consent to be bound by the Treaty has been established for all the negotiating States. In many cases, certain date is usually agreed upon. The Geneva Convention on the High seas 1958, provides for entry into force on the thirtieth day following the deposit of the twenty second instrument of ratification with the United Nations Secretary-General, while the Law of Treaties itself came into effect thirty days after the deposit of the thirty fifth ratification. Where the necessary number of ratifications has been received for the Treaty to come into operation, it is only those States that have actually ratified it that will be bound. It will not bind those that have merely signed it, unless of course the signature is in the particular circumstances regarded as sufficient to express the consent of the State to be bound.

Article 80 of the Convention, following Article 102 of the United Nations Charter provides that after entry into force, Treaties should be transmitted to the United Nations Secretariat for registration and publication. These provisions are intended to stop secret Treaties which was regarded as contributing to the outbreak of the First World War and to make the United Nations Treaty series comprehensive enough.

Application and Operations

A Treaty will not operate retroactively since its provision will not bind a Party prior to her acceptance of the Treaty. Unless otherwise stated, Article 29 provides that a Treaty is binding upon each Party in respect of its entire territory. Article 30 provides a general guide to the problems that might arise on successive Treaties on the same subject matter. But whatever the case, the problems are to be resolved expressly by the Parties themselves. Article 60 of the convention deals with material breach of a Treaty.

Amendment and Modification

These two terms involve the revision of Treaties. They are separate activities and may be accomplished in different manners. Amendment is the formal alternation of Treaty provisions, affecting all the parties to the particular agreement while modification is variations of certain Treaty terms as between particular Parties only. Many Multilateral treaties are specific as regards Amendment. The United Nations charter in Article 108 provides that Amendment will come into force for all member States upon adoption and ratification by two-third of the members of the Organization, including all the Permanent Members of the Security Council. Articles 40 of the Vienna Convention specify the procedure to be adopted in amending multilateral Treaties, in the absence of contrary provisions in the Treaty itself. Any proposed amendment has to be notified to all contracting States but such amendments will not bind any State which is a Party to the original agreement and which does not become a party to the Amended agreement subject to any provisions to the contrary in the Treaty itself.

Modification is possible provided, it does not affect the rights or obligations of the other Parties. Modification is not possible where the provision it is intended to alter, is one derogation from which is incompatible with the effective execution of the object and purpose of the Treaty as a whole. A Treaty may also be modified by the terms of another later agreement or by the establishment, subsequently of a rule of *jus cogens* (moral and legal obligations of States in international law).

Treaty Interpretation

International law generally recognizes three basic approaches to Treaty interpretation. These borders on the actual text of the agreement, the intention of the Parties and the object and purpose of the Treaty. Article 31 to 33 of the Vienna Convention lays down the conditions of Interpretation which borders on the three approaches above. Article 31 gives general rule of interpretation. Article 32 gives supplementary means of interpretation. All the stipulations in the three Articles borders on the three approaches.

Invalidity of Treaties

Under Article 46, a State may not invoke its constitutional provision as ground for invalidity, unless the violation of the constitution was manifest during the negotiation. Some factors that can invalidate a Treaty includes:

(1) A fundamental error relating to a fact or situation that forms an essential basis of consent may invalidate a Treaty provided the State had not contributed to that error and the circumstances did not put it on notice of possible error.
(2) Fraudulent conduct of the corruption of a Representative.
(3) Coercion of a Representative renders a Treaty void *ab initio.*
(4) A Treaty procured by threat or use of force in violation of the principles of the United Nations charter invalidates a Treaty.
(5) The doctrine of unequal treaties propounded by Soviet and Third World writers is also a source of invalidity for Treaties in which one party dictated unconscionable terms to the other when they were not in a position of legal equality. Most Treaties of concession between African Kings and the colonizing powers during the period of colonization as well as Treaties concluded immediately before or after independence had overtones of inequality.

The Vienna convention does not provide for unequal treaties expressly but by implied term, from its preamble strengthened in Article 52.

Termination of Treaties

There a number of methods by which Treaties may be terminated or suspended. They include: -

(1) **Execution –** When a Treaty aims at a certain event such as the transfer of territory, it is completed. When the event is consummated, it may be said to be terminated, though as a root of title, it may have persisting legal effect just as a contract conveyance in municipal law.

(2) **According to the terms-** A Treaty may set a term to its operation. It expires upon completion of the term. If there is a renewal clause and it is resorted to, then the Treaty continues but where non, the Treaty becomes dead.

(3) **Mutual consent**- The Parties may agree expressly or impliedly to abrogate the Treaty in advance of time or they may substitute a new Treaty for it.

(4) **Desuetude** – A Treaty which is a dead letter may be said to be terminated. Restrain must be executed in decision of this nature because Treaties long buried in archives and often forgotten could be revived.

(5) **Material Breach** –Where there is a breach in a unilateral Treaty then under Article 60(1), the innocent Party may invoke that breach as a ground for terminating the Treaty or suspending its operations in whole or in part. Article 60 (2) prescribes the entitlements of the Parties in the breach of Multilateral Treaty by one Party.

(6) **Denunciation** – A treaty may provide by means of a denunciation clause of its unilateral termination but unless there is such a clause the denunciation must be agreed to by all Parties before it is effective.

This in reality becomes one of termination consent.

(7) **Supervening impossibility of performance** – Where the carrying out of the terms of an agreement becomes impossible because of the permanent destruction or disappearance of an object indispensable for the execution of the Treaty, a Party may validly terminate or withdraw from it. Where the impossibility is only temporal, it may be invoked sole, to suspend the operation of the Treaty.

(8) **Loss of Personality of a Party**- This could result in cases of State Succession or State Cessation.

(9) **Outbreak of War or a State of Hostility** – This situation can only terminate a Treaty depending on the anticipated operation of specific provisions of the Treaty. The provisions for the operation of the Treaty might not be compatible with a state of war.

(10) **Suppression of treaties through conflict**– Article 59 of the Vienna Convention allows for the termination of a Treaty if all the Parties thereto enter into a subsequent and incompatible Treaty on the same subject matter. The later Treaty might abrogate the earlier, or it might merely contradict it in essence. Should the later Treaty expressly declare that it is not in conflict with the earlier Treaty, a Tribunal may still ascertain if there is in reality a conflict.

(11) **Impossibility of Performance**- National necessity may not be imported to dissolve Treaties on the ground of impossibility of performance. Such impossibility according to Judge Anzilott must be "absolute". In the Serbian and Brazilian loans case in 1992, both States argued that a French statute of Aug. 5, 1914 had rendered it illegal to pay in gold. Frances had pleaded impossibility of performance but the Permanent Court of International Justice (PCIJ) rejected their argument, holding that the Gold France was a standard of value, and payment of an equivalent amount could still be made. (Shaw 1997).

(12) **Fundamental Change of Circumstance**- This is addressed in Article 62 of the Vienna Convention on Treaty. An example of a Fundamental change would be the case where a party to a military and political alliance, involving exchange of military and intelligence information, has a change of Government incompatible with the basis of alliance.

The doctrine of *rebus sic stantibus* is reflected in the provision of Article 62, however, the doctrine involves the implication of a term that the obligations of an agreement would end if there has been a change of circumstance. International law just like municipal law recognizes that changes frustrating the object of an agreement apart from its actual impossibility may justify its termination.

Conclusion

Throughout history, rule have existed to govern the conduct of International relations. But the modern system of International law as traced to the 1648 Peace of WestPhailia which heralded the beginning of the Nation State System has enhanced relations among States. International law has been concerned with the rules guiding State relations and other forms of relations in the international Society. The relationships between States requires some form of agreements, with the ultimate aim of creating certain rights and obligations in the Parties. These agreements as outlined, are Treaties. States are bound by Treaties duly entered into.

"Duly" is used here because of the rigorous processes of completing a treaty. From the definition of Treaty, to the formalities in signing, to the ratification, reservation, registration and deposit, application and operations, to termination, it does show that the processes of Treaty making is not simple, hence its termination cannot just happen.

Conditions laid down to justify termination are also not simple on the surface. Since they are written down agreements with legal implications, they are binding and thus cannot be terminated easily. All these show that Treaty relations as far International law is concerned is of a high binding nature that cannot be easily terminated. Treaties are legal acts derived from the existence of rules of customary law by which their validity and binding quality is determined by their Interpretations. Treaties are very fundamental in the formation of International law. It is custom that adopts treaty as rule of law because it is a formal document of traditional character. International law is customary because it is the product of the conscience of States. When a Party sets out to establish a rule of International law, he aims at proof of custom evidenced by treaties on the subject. From the 1648 Westphalia doctrine, the purpose of International law is not to bind States more closely together in a Single Political Community, but to enable them to pursue their separate interests in ways that protect order, without jeopardizing sovereignty which is the foundation of International relations.

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