METHODS OF SOCIAL CONTROL THROUGH THE LAW

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STATES REGULATORY TECHNIQUE

• We add this eight technique to that outlined by Professor Summers and John Farrar because of the prevalence of international law in our globalized world.

• If international law is not used to regulate states and maintain order in the international arena, a state may for no reason attack another state and thus make it impossible to maintain internal order within the attacked state.

• International law is used to regulate the affairs of states and as such maintain both international and internal order and control.
EQUALITY OF STATES

• Without going into the history of international law or the argument whether international law is indeed law or simply international morality, the primary rule that makes for international control of states is the rule or principle of the sovereign equality of states.

• This rule is contained in article 2(1) of the United Nations Charter as follows “The Organization is based on the principle of the sovereign equality of all its Members.”

• The task of regulating the affairs of state is laid on the United Nations and we ought to know a bit about the United Nations.
THE UNITED NATIONS

• The UN was formed at the end of the second world war at the Dumberton Oaks conference and according to its Charter one of the determinations that led to its formation was 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.

• Treaties being agreements between states, creating conditions for respect for obligations arising therefrom is a veritable way of maintaining social order and control.
Equally the resolve of the organization to “unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest” is also a very important way of maintaining international order and control.

The United Nations is comprised of the Security Council, the General Assembly, The International Court of Justice and many specialized bodies.
Another principle contained in the UN Charter that makes for social control of states is in Article 2(4) to the effect that “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”.

This provision has been instrumental to reducing the spectre of wars on the international plane and thus has created a more peaceful world restricting wars to mainly civil wars and internal armed conflicts.
Chapter VI of the Charter, article 33 provides for pacific settlement of disputes and urges states parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

Where the Security Council determines the existence of any threat to the peace, breach of the peace, or act of aggression, it may make recommendations or determine what measures to take to restore international peace and security (article 39)
NON-USE OF FORCE AGAINST THE TERRITORIAL INTEGRITY ETC OF A STATE contd

• These measures to restore international peace and security which may not include the use of force include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations. (article 41)

• If the measures not including use of force are inadequate other measures involving action by air land or sea forces which may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nation, may also be adopted (article 42).
REGIONAL ARRANGEMENTS

• There exists various regional arrangements recognized by the United Nations in Chapter 8 of the Charter for the pacific settlement of disputes.

• Some of these include the African Union (AU), the Organization of American States (OAS), the European Union (EU) etc

• They deal with matters relating to the maintenance of international peace and security as are appropriate for regional action
SUMMARY

• International order affects municipal order and control of international order is a prerequisite for municipal order

• The major burden of maintaining international order lies on the United Nations and part of this is ensuring that all states are equal and avoid the use of force to disrupt international peace and security.

• We have outlined in broad terms how this control is maintained in this topic.