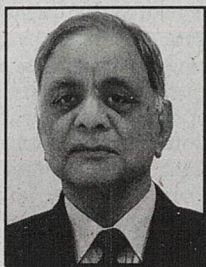


Are International Laws And Conventions No Longer Relevant?

—By Wing Commander Dinesh Mathur, VSM (Retd.)

The significance of Group Discussions (GDs) lies in their ability to evaluate a range of personality traits that written tests and personal interviews often fail to capture. As a result, Group Discussions have become a popular tool in academic admissions, corporate recruitments and professional evaluations. Basically, a Group Discussion is a planned, structured conversation among a group of candidates (usually 8-10) on a selected topic. This topic could be abstract, factual or case-based, and candidates are expected to discuss and express their views, listen to others' views and jointly explore the subject. During a Group Discussion, a number of participants' qualities can be assessed in a short period; the most significant being teamwork. In a modern workplace, collaboration with other employees is essential. This involves working in teams to resolve problems and achieve assigned targets. A Group Discussion simulates such an environment easily and gives assessors an opportunity to see how candidates interact with one another. Do they respect others' opinions, especially when others hold differing views? Do they tend to dominate the proceedings? If candidates give credence to others' viewpoints and build upon them, it demonstrates a cooperative attitude, which is highly valued in team settings. Other qualities of participants that can also be assessed during a GD include effective communication skills, leadership attributes, active listening, critical thinking, analytical ability, emotional intelligence, self-confidence and decision-making ability, among others.

The above topic was given to a group of candidates called to participate in a Group Discussion during the screening process to select aspirants for admission to an MBA programme conducted by a prestigious management institute. As expected, the candidates arrived formally dressed and, after their credentials were checked, were made to sit in a semicircle. This was followed by a detailed briefing by the three moderators covering all aspects of the Group Discussion. Candidates were told they could speak as much as they wanted, but they should also ensure that all aspirants had an opportunity to speak. Candidates were given 3-4 minutes to reflect on the topic, and if needed, jot down points to refer



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to during the GD. Finally, candidates were asked to conclude this Group Discussion within 25-30 minutes.

Thereafter, the discussion commenced as follows:

Candidate 1: Good morning, friends. You would agree that we have been given a much-discussed topic of our time and it concerns all of us, even if only remotely. Currently, we are living in an age that is marked by intense geopolitical rivalry; wars, cyber warfare, terrorism, severe environmental crises and huge economic inequality among nations. In such harrowing times, we are also astonished to find that established global rules of governance and behaviour are now being totally ignored. This is because, unfortunately, powerful countries today frequently bypass them to achieve their geopolitical goals.

As some critics argue, the belligerent attitude of a few powerful leaders has caused widespread turmoil, including wars and uncertainty worldwide. Given this extremely disturbing trend, a pertinent question often arises: Are international laws and conventions no longer relevant? We know that international institutions like the United Nations predominantly lack enforcement powers, and, therefore, violations persist

in war and diplomacy. Yet, we have to accept that these international laws and conventions remain relevant, since they shape State behaviour and establish norms of right conduct.

They also provide a mechanism for cooperation, protect human rights and create the legal architecture through which the modern international system operates. In my opinion, it would be inappropriate to judge international laws solely by the criterion of whether they can prevent violations. The fact remains that laws do not become irrelevant simply because crime continues. We need to discuss all these aspects in some detail and finally reach a conclusion on this much-discussed issue.

You may now express your ideas on this topic. Thanks.

Candidate No. 8: Quite well introduced, Number 1.

Candidate No. 4: Friends, to give this wide topic some shape and comprehensive coverage, I feel we first need to clearly understand and appreciate the meaning and impact of international laws and conventions. It's really important. Subsequently, we may discuss some of the challenges these laws face. That would make our discussion more comprehensive. Do you all agree?

Candidate No. 2: Quite right. I agree.

Candidate No. 7: Yes, you are correct. Let me briefly explain. International laws refer to the body of legal rules, norms and principles that govern relations between States and other international actors. In fact, these laws arise from treaties, conventions, customary practices, judicial decisions, and principles recognised and accepted by States, establishing obligations in areas such as war, trade, climate change, refugees and human rights.

Candidate No. 10: Very correct. I can give some examples to support these explanations. The Geneva Conventions regulate the conduct during armed conflicts. The United Nations Charter governs the use of force. The Paris Climate Agreement addresses climate change, and the Universal Declaration of Human Rights sets basic human rights norms. In fact, these laws and agreements provide some predictability in international relations. Without them, diplomacy would remain unstable, trade would be uncertain and perhaps conflicts would be more frequent. This is a fact.

Candidate No. 1 : Well said, Number 10. I want to add that these laws also have historical relevance. Way back in 1648, the 'Peace of Westphalia' (a series of treaties) ended the 'Thirty Years' War between Spain and the Dutch Republic, and established the principles of sovereignty and territorial integrity. The fact remains that these principles remain the foundation of international laws even today. It recognised that States must respect each other's borders and independence. Thus, the Peace of Westphalia created a more stable international order. Further, The Hague Conventions of 1899 and 1907 sought to regulate warfare by banning certain weapons and defining the rights of prisoners and civilians. Even though they could not prevent the World War I, they established legal norms that subsequently influenced humanitarian laws. However, in the aftermath of the World War II, the significance of international laws was fortunately widely felt and recognised.

Candidate No. 7 : Yes, quite right. After the horrors of the World War II, much-needed good sense prevailed, and the United Nations was duly formed in 1945, followed by the Nuremberg Trials (1945-1946) and the Geneva Conventions in 1949. After these developments, international laws, which had earlier focused solely on State sovereignty, also began to address individual accountability and human rights. In this context, the Nuremberg Trials need a special mention as they established that individuals, including State leaders, could be held liable for war crimes, crimes against humanity and genocide. These developments enabled international laws to impose responsibility.

Candidate No. 5 : Well said, Number 7. I agree with you.

Candidate No. 10 : I would like to add that the Geneva Conventions established rules to protect wounded soldiers, prisoners of war, and civilians during a conflict. Let me remind you that these conventions have remained central to humanitarian laws to this day and have been accepted by nearly every State. Therefore, history shows that international laws have developed in response to global issues and crises, creating legal norms that have guided international conduct ever since. Furthermore, international laws have played a major role in maintaining peace and security worldwide. In this regard, the United Nations Charter prohibits the use of force except in self-defence or if authorised by the UN Security Council. This principle also became a cornerstone of modern international relations.

Candidate No. 9 : Yes, let's not forget the fact that before the 20th century, war was considered a legitimate tool of State policy. But today, despite aberrations, aggressive war has been widely considered as illegal. And today, when wars do occur,

countries normally try to justify them under international laws, underscoring their power and relevance. You would recall that during the 1990 Iraqi invasion of Kuwait, the international community duly condemned Iraq's actions as a violation of international laws.

Candidate No. 1 : Quite right. In recent conflicts like the Russia-Ukraine war, there have been discussions in legal terms over sovereignty, territorial integrity and war crimes. Russia's invasion was much criticised since it violated the UN Charter and the principle that borders cannot be altered by the use of force. International courts and other institutions were mobilised to investigate the alleged crimes. Of course, one can argue that international laws could not stop the war, but it shaped global reactions, opinions and diplomatic conduct. Given this, it is apparent that international laws are still relevant and define how the international community responds to threats to peace and disturbances. We cannot deny this reality.

Candidate No. 4 : Yes, you are right. We should not outrightly criticise international laws because they predominantly lack the machinery to enforce them.

Candidate No. 6 : I totally agree with you.

Candidate No. 7 : Friends, I want to highlight the positive role of international laws in promoting and protecting human rights and dignity. During World Wars I and II, the atrocities committed against human beings made the international community think that the treatment of individuals could not be left to the sole discretion of the State and could no longer be considered an internal matter. This led to the Universal Declaration of Human Rights (1948), which declared that all people have fundamental rights irrespective of nationality, race, religion or gender.

Candidate No. 10 : Yes, more so, this kind of legal instrument has positively impacted domestic constitutions, court rulings and public policy worldwide. In this respect, I can quote the examples of struggles against Africa's apartheid, discrimination against women and abuse of minorities, which international human rights conventions have supported all these years. In particular, the role of international laws must be highlighted in ending apartheid in South Africa. In this case, international conventions, sanctions and UN resolutions created diplomatic and economic pressure, which greatly helped end the apartheid rule. This cannot be disputed.

Candidate No. 9 : Friends, we must agree that international laws continue to play an important role in addressing human rights abuses in Afghanistan, Myanmar, Sudan and elsewhere. In all such cases, international organisations investigate abuses, issue reports and even

impose sanctions in accordance with established international legal obligations.

Candidate No. 4 : Let me be fair about this issue. The fact also remains that many such abuses still continue despite international laws on the subject. But again, as we said earlier, the continuation of these violations does not diminish the existence or relevance of these laws. That is also a fact, friends. And, finally, without these laws, there would be no universally recognised legal basis for condemning these abuses.

Candidate No. 1 : I would like to add that there are many serious global issues and challenges that require international cooperation to address them. Prominent among them are climate change, global trade, migration, pandemics and maritime disputes, among others. Obviously, these issues cannot be addressed by individual States, and international laws and conventions provide a framework for international cooperation to address them. In this regard, one could talk about the World Trade Organization (WTO), which regulates global trade through international agreements. These rules help reduce disputes and uncertainty, and also encourage economic stability.

Candidate No. 7 : Yes, similarly, the Paris Climate Agreement underscores the relevance of international conventions in addressing the serious problem of climate change. Of course, it unfortunately lacks an effective mechanism to enforce the emission targets that countries set to address climate change. Powerful countries also fail to honour their financial and other commitments to help developing countries achieve the agreed targets. But, these setbacks notwithstanding, climate change is such a huge global challenge that no country can solve alone, and international laws and conventions provide a mechanism for a collective response. That's a big positive.

Candidate No. 3 : Very well said, Number 7.

Candidate No. 10 : Friends, yet another example of the significance of international cooperation was observed during the Covid-19 pandemic. During this difficult period, international health bodies and related regulatory mechanism facilitated coordinated responses, information sharing and vaccine strategies. Of course, these responses were uneven; legal frameworks enabled collective action in this global emergency. Similarly, the United Nations Convention on the Law of the Sea (UNCLOS) governs maritime boundaries, navigation rights and the management of marine resources. It also provides a legal mechanism for resolving disputes peacefully. Even when disagreements arise, as in the South China Sea, States use legal arguments rooted in UNCLOS, underscoring its relevance.

Candidate No. 9 : While talking of UNCLOS, how would you justify the blockade of the Strait of Hormuz by Iran? Of course, UNCLOS has not been very effective in resolving this serious issue, which has adversely affected global trade. What would you say about it?

Candidate No. 8 : Yes, that's a very pertinent question in the context of UNCLOS.

Candidate No. 1 : Let me explain this. Many legal experts argue that any unilateral action by Iran to completely block or close the Strait violates international maritime law because it impedes international navigation and threatens international peace and security. However, the legal position is complicated because Iran has historically objected to certain aspects of the UNCLOS transit passage regime. Iran argues that foreign warships require authorisation before entering its territorial waters, relying instead on the narrower doctrine of "innocent passage", arguing that the transit passage regime is not binding on Iran as it is not a party to UNCLOS and has consistently objected to it. That is the situation in this case, friends.

Candidate No. 7 : I want to point out yet another relevance of international laws: they provide a mechanism for holding States and individuals accountable. Institutions such as the International Court of Justice (ICJ) and the International Criminal Court (ICC) allow legal disputes and criminal responsibility to be addressed at the international level. The ICJ is known for resolving disputes between countries, often on issues such as territorial boundaries and treaty obligations. The ICC prosecutes individuals for genocide, war crimes and crimes against humanity.

Candidate No. 4 : Yes, once again, I would like to point out that these institutions are not perfect and powerful States sometimes avoid jurisdiction, and enforcement can be weak. In recent years, powerful nations have been acting in violation of international laws, which is a matter of great concern. However, this does not imply that international laws and conventions have become irrelevant.

Candidate No. 5 : Nicely put up, Number 4. As we said earlier, just because crime continues does not mean that laws have become irrelevant. This needs to be highlighted.

Candidate No. 9 : Friends, I think we have sufficiently discussed that international laws and conventions are highly relevant, despite the prevailing challenges of enforcing them. As we decided earlier, let us now discuss some serious challenges faced by international laws. Let me emphasise that it is primarily due to these challenges that we often debate whether international laws and conventions are no longer relevant.

Candidate No. 10 : Yes, in my opinion, the most significant challenge is the lack of centralised enforcement of these laws. The fact remains that, unlike domestic legal systems, international laws depend mainly on State consent and willing cooperation. There is no global police force capable of enforcing these laws and judgements. Owing to this weakness, powerful nations violate international law with little consequence. Military intervention without clear legal authorisation, violations of humanitarian laws during conflict and selective compliance with international court rulings are some examples in this context.

Candidate No. 6 : Yes, you have a valid point.

Candidate No. 1 : I feel huge political inequality is another challenge. We observe that powerful nations often exert undue influence over international institutions, especially in the UN Security Council, as the veto power of the Permanent Members can block even clear violations of the law. This is the main problem, friends.

Candidate No. 7 : In the past few years, the actions of America, Israel and Russia have sparked acrimonious debate about international laws. While each country claims that its actions are necessary for national security and self-defence, many critics argue that several of these actions clearly violate international laws. America has often justified military actions and sanctions by claiming to protect human rights or global security.

However, its interventions in Iraq and continued military involvement in other regions have been criticised for bypassing the authority of the UN. Similarly, Israel argues that its military actions are acts of self-defence against terrorism and attacks from military groups. Nevertheless, there has been massive condemnation of some Israeli actions, particularly in Palestinian territories, that involved use of excessive force and widely perceived violations of humanitarian laws. Russia's action against Ukraine also faced similar strong international condemnation.

Candidate No. 3 : Yes, there has been significant criticism of these actions.

Candidate No. 4 : Of course, these countries have presented legal and strategic justifications for their actions. However, some of their policies remain controversial under international laws and in the eyes of the global community.

Candidate No. 10 : Despite these controversies, countries justify their actions in legal terms, even when they violate norms, showing that international laws remain relevant. The global condemnation of apartheid, aggression, genocide and unlawful occupation depicts that international laws shape international legitimacy. Let's also not forget that without international laws, the world would be

solely governed by power politics. Thus, international conventions are not only relevant but more necessary than ever before.

Candidate No. 9 : Friends, in the heat of our discussion, we have not realised that the allotted time for this GD is over. Let's conclude now.

Candidate No. 7 : I can conclude if you all agree.

Candidate No. 2 : Please go ahead, Number 7.

Candidate No. 7 : Friends, after introducing the topic, we decided to first define and understand the impact of international laws and conventions and then discuss major challenges we face in implementing them. We explained in detail the meaning and implications of these laws by citing examples of various conventions. Thereafter, we briefly discussed their historical significance and highlighted their relevance during various conflicts of our times and in tackling serious global issues such as global warming. Towards the end, we also discussed various challenges in enforcing these laws and the reasons behind them. Finally, we concluded by emphasising that these international laws and conventions remain quite relevant despite the challenges faced by them.

That's all, friends. Have a nice day.

Critical Analysis Of Candidates' Performance:

Good : 1, 7 and 10

A quick glance at the candidates' performances in this Group Discussion would reveal that these three remained the major participants. They presented sufficient data to support their position, which was well received by the other group Members. These three candidates remained cooperative and did not dominate the proceedings. Due to their good preparation, they also spoke with self-confidence and their overall good conduct displayed leadership traits. Given these facts, their performances have been evaluated as 'Good'.

Average : 4 and 9

These two candidates also had some idea of this topic and contributed occasionally. Their initiative to give it a format and guide the discussion to stay on track was appreciated, but their individual contributions in this GD remained quite limited and were not considered sufficient to make them winners of this competitive interaction. They appeared to have the potential to perform better but lacked preparation. Due to these facts, their effort has been assessed as 'Average'.

Below the Average : 2, 3, 5, 6 and 8

Nothing much needs to be said about the performances of these candidates. They had little information on this topic, which limited their overall participation in the GD. They were merely observed to appreciate and agree with other active participants. Apparently, they lacked preparation and consequently, self-confidence to speak. Owing to all these reasons, their performances have been assessed as 'Below the Average'.

CSR