INTERNATIONAL LAW

International Law is a regulator of international relations in which states, international organizations, public associations, individuals take part.

There is no a single power (no supreme bodies).

INTERNATIONAL LAW

International law is a system of legal norms regulating interstate relations for maintenance of peace and cooperation.

Peculiarity of International Law – lack of overstate mechanisms of compulsion (enforcement).

INTERNATIONAL LAW NATURE

- **Public international law** concerns the structure and conduct of states concerns the structure and conduct of states and intergovernmental organizations.
- To a lesser degree, international law also may affect multinational corporationsTo a lesser degree, international law also may affect multinational corporations and individuals, an impact increasingly evolving beyond domestic legal interpretation and enforcement.
- Public international law has increased in use and importance vastly over the twentieth century, due all to the increase in global tradePublic international law has increased in use and importance vastly over the twentieth century, due all to the increase in global trade, armed conflictPublic international law has increased in use and importance vastly over the twentieth century, due all to the increase in global trade,

NATURE

- Public international law is sometimes called the "**law of nations**". It should not be confused with "*private international law*", which is concerned with the resolution of conflict of laws.
- In its most general sense, international law "consists of rules and principles of general application dealing with the conduct of states and of intergovernmental organizations and with their relations as well as with some of their relations with persons, whether natural or juridical.

NATURE

- Public international law establishes the framework and the criteria for identifying statesPublic international law establishes the framework and the criteria for identifying states as the principal actors in the international legal system. As the existence of a state presupposes control and jurisdictionPublic international law establishes the framework and the criteria for identifying states as the principal actors in the international legal system. As the existence of a state presupposes control and jurisdiction over territory, international law deals with the acquisition of territory, state immunityPublic international law establishes the framework and the criteria for identifying states as the principal actors in the international legal system. As the existence of a state presupposes control and jurisdiction over territory, international law deals with the acquisition of territory, state immunity and the legal responsibility of states in their conduct with each other. International law is similarly concerned with the treatment of individuals within state boundaries. There is thus a comprehensive regime dealing with group rights, the treatment of aliensPublic international law establishes the framework and the criteria for identifying states as the principal actors in the international legal system. As the existence of a state presupposes control and jurisdiction over territory, international law deals with the acquisition of territory, state immunity and the legal responsibility of states in their

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- Whilst municipal lawWhilst municipal law is hierarchical or vertical in its structure (meaning that a legislatureWhilst municipal law is hierarchical or vertical in its structure (meaning that a legislature enacts binding legislationWhilst municipal law is hierarchical or vertical in its structure (meaning that a legislature enacts binding legislation), international law is horizontal in nature. This means that all states are sovereignWhilst municipal law is hierarchical or vertical in its structure (meaning that a legislature enacts binding legislation), international law is horizontal in nature. This means that all states are sovereign and theoretically equal. As a result of the notion of sovereignty, the value and authority of international law is dependent upon the voluntary

NATURE

- Breaches of international law raise difficult questions for lawyers. Since international law has no established compulsory judicial systemBreaches of international law raise difficult questions for lawyers. Since international law has no established compulsory judicial system for the settlement of disputes or a coercive penal systemBreaches of international law raise difficult questions for lawyers. Since international law has no established compulsory judicial system for the settlement of disputes or a coercive penal system, it is not as straightforward as managing breaches within a domestic legal system. However, there are means by which breaches are brought to the attention of the international community and some means for resolution. For example, there are judicial or quasi-judicial tribunals in international law in certain areas such as trade and human rights. The formation of the United Nations, for example, created a means for the world community to enforce international law upon members that violate its charter through the Security Council.

- The earliest known treatise on international law was the *Introduction to the Law of Nations* written at the end of the 8th century by Mohammed bin Hassan al-Shaybani, a jurist written at the end of the 8th century by Mohammed bin Hassan al-Shaybani, a jurist of the Hanafi written at the end of the 8th century by Mohammed bin Hassan al-Shaybani, a jurist of the Hanafi school of Islamic law written at the end of the 8th century by Mohammed bin Hassan al-Shaybani, a jurist of the Hanafi school of Islamic law and jurisprudence,and other Islamic jurists soon followed with a number of treatises written on international law (*Siyar* in Arabic in Arabic). These early Islamic legal treatises covered the application of Islamic ethics in Arabic). These early Islamic legal treatises covered the application of Islamic ethics, Islamic economic jurisprudence in Arabic). These early Islamic legal treatises covered the application of Islamic ethics, Islamic economic jurisprudence and Islamic military jurisprudence in Arabic). These early Islamic legal treatises covered the application of Islamic ethics, Islamic economic jurisprudence and Islamic military jurisprudence to international law, and were concerned with a number of international law topics, including the law of treaties in Arabic). These early Islamic legal treatises covered the application of Islamic ethics, Islamic economic jurisprudence and Islamic military jurisprudence to international law, and were concerned with a number of international law topics, including the

- Beginning with the Peace of WestphaliaBeginning with the Peace of Westphalia in 1648, the 17th, 18th and 19th centuries saw the growth of the concept of the sovereignBeginning with the Peace of Westphalia in 1648, the 17th, 18th and 19th centuries saw the growth of the concept of the sovereign "nation-state", which consisted of a nation controlled by a centralized system of government. The concept of nationalism became increasingly important as people began to see themselves as citizens of a particular nation with a distinct national identity. Until the mid-19th century, relations between nation-states were dictated by treaty, agreements to behave in a certain way towards another state, unenforceable except by force, and not binding except as matters of honor and faithfulness. But treaties alone became increasingly toothless and wars became increasingly destructive, most markedly towards civilians, and civilized peoples decried their horrors, leading to calls for regulation of the acts of states, especially in times of war.

- Perhaps the first instrument of modern public international law was the Lieber CodePerhaps the first instrument of modern public international law was the Lieber Code, passed in 1863 by the Congress of the United StatesPerhaps the first instrument of modern public international law was the Lieber Code, passed in 1863 by the Congress of the United States, to govern the conduct of US forces during the United States Civil War and considered to be the first written recitation of the rules and articles of war, adhered to by all

SOURCES

- Public international law has three primary sources: international treaties, custom, and general principles of law. International treaty law comprises obligations states expressly and voluntarily accept between themselves in treaties.

- Customary international law is derived from the consistent practice of States accompanied by *opinio juris*, i.e. the conviction of States that the consistent practice is required by a legal obligation. Judgments of international tribunals as well as scholarly works have traditionally been looked to as persuasive sources for custom in addition to direct evidence of state behavior (and they are also explicitly mentioned as such in Art. 38 of the Statute of the International Court of Justice, as subsidiary means for the determination of rules of law). Attempts to codify customary international law picked up momentum after the Second World War, i.e. the conviction of States that the consistent practice is required by a legal obligation. Judgments of international tribunals as well as scholarly works have traditionally been looked to as persuasive sources for custom in addition to direct evidence of state behavior (and they are also explicitly mentioned as such in Art. 38 of the Statute of the International Court of Justice, as subsidiary means for the determination of rules of law). Attempts to codify customary international law picked up momentum after the Second World War with the formation of the International Law Commission, i.e. the conviction of States that the consistent practice is required by a legal obligation. Judgments of international tribunals as well as scholarly works have traditionally been looked to as persuasive sources for custom in addition to direct evidence of state behavior (and they are

- Since international law exists in a legal environment without an overarching "sovereign" (i.e., an external power able and willing to compel compliance with international norms), "enforcement" of international law is very different than in the domestic context. In many cases, enforcement takes on CoasianSince international law exists in a legal environment without an overarching "sovereign" (i.e., an external power able and willing to compel compliance with international norms), "enforcement" of international law is very different than in the domestic context. In many cases, enforcement takes on Coasian characteristics, where the norm is self-enforcing. In other cases, defection from the norm can pose a real risk, particularly if the international environment is changing. When this happens, and if enough states (or enough powerful states) continually ignore a particular aspect of international law, the norm may actually change according to concepts of customary international law. For example, prior to World War I, unrestricted submarine warfareSince international law exists in a legal environment without an overarching "sovereign" (i.e., an external power able and willing to compel compliance with international norms), "enforcement" of international law is very different than in the domestic context. In many cases, enforcement takes on Coasian characteristics, where the norm is self-enforcing. In other cases, defection from the norm can pose a real risk, particularly if the

BRANCHES

- International criminal law
- International human rights law
- International Humanitarian Law
- Law of the sea
- Diplomatic law
- Law of State Responsibility
- International Environmental Law
- International trade law
- International Space Law
- Aviation law