

International law

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International law is the term commonly used for referring to the system of implicit and explicit agreements that bind together nation-states in adherence to recognized values and standards. It differs from other legal systems in that it primarily concerns states rather than private citizens^[1]. However, the term "international law" can refer to three distinct legal disciplines:

- Public international law, which governs the relationship between states and international organizations.it includes the following specific legal field such as the law of treaty, law of sea, international criminal law and the international humanitarian law.
- Private international law, or conflict of laws, which addresses the questions of (1) in which legal jurisdiction may a case be heard; and (2) the law concerning which jurisdiction(s) apply to the issues in the case.
- Supranational law or the law of supranational organizations, which concerns at present regional agreements where the special distinguishing quality is that laws of nation states are held inapplicable when conflicting with a supranational legal system.

The two traditional branches of the field are:

- *jus gentium* — law of nations
- *jus inter gentes* — agreements among nations

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A major force in public international law, the United Nations was conceived during World War II

Sources of international law

Sources of international law are the materials and processes out of which the rules and principles regulating the international community developed. They have been influenced by a range of political and legal theories. During the 20th century, it was recognised by legal positivists that a sovereign state could limit its authority to act by consenting to an agreement according to the principle *pacta sunt servanda*. This consensual view of international law was reflected in the 1920 Statute of the Permanent Court of International Justice, and preserved in Article of the 1946 Statute of the International Court of Justice.

Public international law

Public international law (or international public law) concerns the relationships between the entities or legal persons which are considered the subjects of international law, including sovereign nations, international organizations (including especially intergovernmental organizations such as the United Nations), and in some cases, movements of national liberation (wars of national liberation) and armed insurrectional movements (see insurgency). Norms of international law have their source in either 1) *custom*, or customary international law (consistent state practice accompanied by *opinio juris*), 2) globally accepted standards of behaviour (peremptory norms known as *jus cogens* or *ius cogens*), or 3) codifications contained in conventional agreements, generally termed treaties. Article 13 of the United Nations Charter obligates the UN General Assembly to initiate studies and make recommendations which encourage the progressive development of international law and its codification. Evidence of consensus or state practice can sometimes be derived from intergovernmental resolutions or academic and expert legal opinions (sometimes collectively termed soft law).

International law has existed since the Middle Ages (see Islamic international law), but much of its modern corpus began developing from the mid-19th century. In the 20th century, the two World Wars and the formation of the League of Nations (and other international organizations such as the International Labor Organization) all contributed to accelerate this process and established much of the foundations of modern public international law. After the failure of the Treaty of Versailles and World War II, the League of Nations was replaced by the United Nations, founded under the UN Charter. The UN has also been the locus for the development of new advisory (non-binding) standards, such as the Universal Declaration of Human Rights. Other international norms and laws have been established through international agreements, including the Geneva Conventions on the conduct of war or armed conflict, as well as by agreements implemented by other international organizations such as the ILO, the World Health Organization, the World Intellectual Property Organization, the International Telecommunication Union, UNESCO, the World Trade Organization, and the International Monetary Fund. The development and consolidation of such conventions and agreements has proven to be of great importance in the realm of international relations.

Conflict of super law

Conflict of laws, often called "private international law" in civil law jurisdictions, is less international than public international law. It is distinguished from public international law because it governs conflicts between private persons, rather than states (or other international bodies with standing). It concerns the questions of which jurisdiction should be permitted to hear a legal dispute between private parties, and which jurisdiction's law should be applied, therefore raising issues of international law. Today corporations are increasingly capable of shifting capital and labor supply chains across borders, as well as trading with overseas corporations. This increases the number of disputes of an inter-state nature outside a unified legal framework and raises issues of the enforceability of standard practices. Increasing numbers of businesses use commercial arbitration under the *New York Convention 1958*.

Supranational law

The European Union

East Africa Community

There are ambitions to make the East African Community, consisting of Kenya, Tanzania, Uganda, Burundi and Rwanda, a political federation with its own form of binding supranational law by 2010.

Union of South American Nations

The Union of South American Nations is an organisation on the South American continent. It declared in 2004 its intention to establish a framework akin to the European Union by the end of 2007. It is envisaged to have its own passport and currency, and limit barriers to trade.

Andean Community of Nations

The Andean Community of Nations is the first attempt in Andean Countries, meaning the countries around the Andes Mountains in South America. It started with the Cartagena Agreement of 26th May 1969, and nowadays consists in four countries: Bolivia, Colombia, Ecuador and Peru. It does have a supranational law, called Agreements, which are mandatory for these countries.

See also

- List of International Court of Justice cases
- Law of war and International humanitarian law
- International litigation
- Martens Clause
- Rule of Law in Armed Conflicts Project (RULAC)
- Global administrative law

References

1. ^ Shaw, Malcolm N (2003). *International Law*. Cambridge University Press; 5 edition. pp. 1–2. ISBN 978-0521531832.

External links

- UN International Law (<http://www.un.org/law/>)
- Essay on International Law (<http://www.law-essays-uk.com/freeessays/ExperienceofGenocide.php>)
- Internation law overview (http://topics.law.cornell.edu/wex/international_law)
- International law in the UK (http://www.llmstudy.com/editorial/llm_international_perspective/)

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