



International Law

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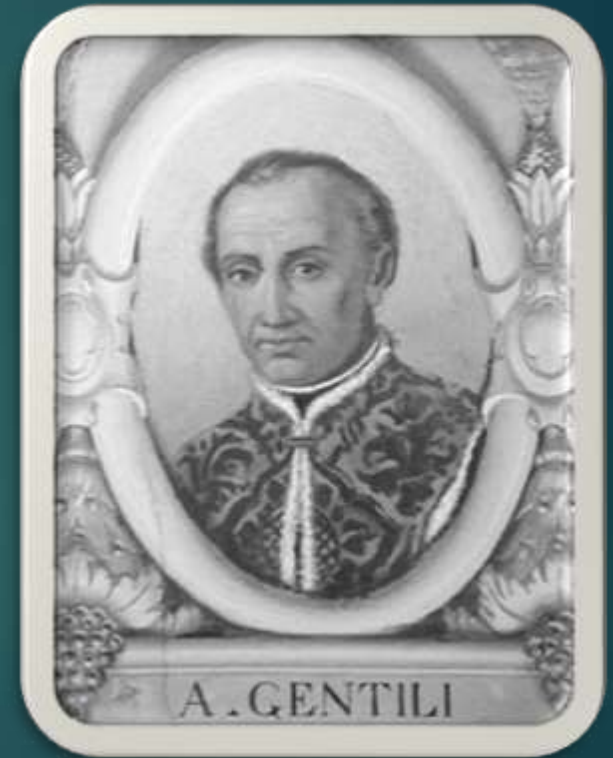
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What is the International Law?

- ▶ **International law** is the set of rules generally regarded and accepted as binding in relations between states and between nations.
- ▶ It serves as a framework for the practice of stable and organized international relations.
- ▶ Its binding rules of law that transcend borders and apply to states as well as to individuals (natural persons) and organizations or corporations (legal persons).

Emergence of International Law.

- ▶ International law has existed since the early-19th century. However, its philosophical origins are found in 16th century thinkers and jurists such as [Alberico Gentili](#), [Francisco de Vitoria](#) and [Hugo Grotius](#), the "fathers of international law."
- ▶ In the 20th century, the two [World Wars](#) and the formation of the [League of Nations](#) all contributed to accelerate this process of formation of IL and established much of the foundations of modern public international law.
- ▶ 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 International Labor Organization, the [World Health Organization](#), the [World Intellectual Property Organization](#), the [International Telecommunication Union](#), [UNESCO](#), the [World Trade Organization](#), and the [International Monetary Fund](#).



Types of International Law

- ▶ Public international law (or international public law) concerns the treaty relationships between the nations and persons which are considered the subjects of international law. Norms of international law have their source in either:
 - ▶ custom, or customary international law (consistent state practice accompanied by opinio juris),
 - ▶ globally accepted standards of behavior (peremptory norms known as jus cogens or ius cogens), or
 - ▶ codifications contained in conventional agreements, generally termed treaties.

Types of International Law

- ▶ Conflict of laws, often called "private international law" in civil law jurisdictions 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.

Types of International Law

- ▶ Supranational Law
- ▶ The term "international law" refers to treaty law made in and between sovereign states. "Law" is defined as "a rule of conduct or action prescribed or formally recognized as binding or enforced by a controlling authority,"^[12] whereas "sovereign" is defined as "supreme power or authority." Given this contradiction, nations have at times abrogated "International Laws" in their national interest. The term "world law" is the evolution of a system of law at the global level representing the sovereignty of the whole. Initial steps have been taken to evolve a system of supra-national laws, but true "world law" may await the evolution of a legislative body of, by, and for the people of the planet.

Subjects of International Law

- ▶ A subject of international is (1) an individual, body or entity; (2) recognized or accepted; (3) as being capable of possessing and exercising; (4) rights and duties; (5) under international law.
- ▶ Subjects of international law are States and non- State actors like individuals and international organizations.

Subjects of International Law



Sources Of International Law.

- ▶ Treaties or conventions are the most concrete forms of international law. Governments, as agents of the sovereign states they represent, contract when they sign and ratify treaties or international conventions to be bound by mutual agreement to the terms of these documents.
- ▶ Treaties, customs, and general principles are stated as the three primary sources; and judicial decisions and scholarly writings are expressly designated as the subsidiary sources of international law.
- ▶ Another important source of international law is customary practice. Over time such customary international law often becomes codified later in treaties or conventions.

Principles of IL

Public international law is a combination of rules and principles governing relations between states in different fields, such as armed conflict, human rights, the sea, space, trade, territorial boundaries, and diplomatic relations.

IL consists of 10 main principles

Main principles of IL are considered as

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Final Act of the Conference on Security and Cooperation in Europe, 1975 (10 Principles of IL)

- ▣ *I. Sovereign equality, respect for the rights*
- ▣ *inherent in sovereignty*
- ▣ *II. Refraining from the threat or use of force*
- ▣ *III. Inviolability of frontiers*
- ▣ *IV. Territorial integrity of States*
- ▣ *V. Peaceful settlement of disputes*
- ▣ *VI. Non-intervention in internal affairs*
- ▣ *VII. Respect for human rights and fundamental*
- ▣ *freedoms, including the freedom of thought,*
- ▣ *conscience, religion or belief*
- ▣ *VIII. Equal rights and self-determination of peoples*
- ▣ *IX. Co-operation among States*
- ▣ *X. Fulfilment in good faith of obligations under international law*