

# INTERNATIONAL LAW

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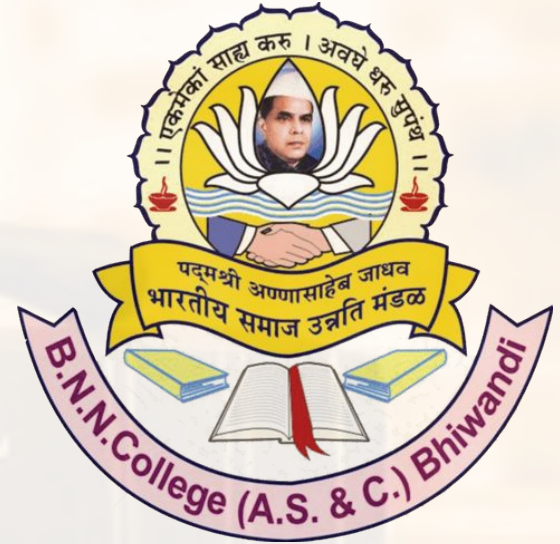
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# Definition, Concept & Meaning

1. The term 'International law', also referred to as **Laws of Nations**
2. It was first coined by **Sir Jeremy Bentham** in 1780.
3. Every country is referred to as '**state**' in International Law.
4. International laws are a **set of rules, agreements and treaties** that are binding between countries.
5. Countries come together to make binding rules that they believe will **benefit the citizens**.
6. It is an **independent system of law** existing outside the legal framework of a particular state.
7. It mainly aims to maintain **international peace and security** among different states.

# Aims of International law

International Law helps in -

1. **Promotion of friendly relations** among the member states (members of the International community, for example, United Nations)
2. **Providing for basic humanitarian rights.**
3. **To solve International problems** through international cooperation.
4. **To refrain the state from using threat or force** over the territory of any other state to provide for the right to self-determination to people, and
5. **To use peaceful methods to settle international disputes** are few of its functions.

# Who are the subjects of International Law?

It is referred to as entities who have a legal personality, with certain **rights and duties** under the international legal system.

1. **State:** The state is considered to be the primary and original subject of international law.
2. **Individuals:** Common people of any state are also believed to be the subject of international law.
3. **International Organizations:** It is an association of states, established by a treaty between two or more states. International Organizations too have a legal personality and are considered to be the subject of international law. For example, the United Nations.
4. **Multinational Companies:** They own and operate their corporate entities in at least one other country aside from the place where it was incorporated, therefore it is established in more than one nation.

# Branches of International Law

## Jus Gentium

Referred to as '**laws of nations**' in Latin, considered to be those set of rules part of those portions of law mutually governing a relationship between two nations and do not form part of a legal code or a statute.

## Jus Inter Gentes

Referred to as '**law between the peoples**', considered to be those agreements and treaties, mutually accepted by both countries.



# Law Or Not ? A Philosopher's Debate

## International law is not a true law

Law is the command of the sovereign punished by sanctions in case the command is violated by the individual. There must be a legislative authority enacting the rule of conduct and enforcing physical sanction.

**John Austin**

## International law

Laws are nothing but a body of rules for human conduct within a community, which can be enforced by an external power if there's a common consent of the community for the same.

**Prof. L. Oppenheim**

# Types

## 1. Public International law

It sets rules concerning all mankind: the environment, international business, the ocean, human rights, etc.

### → Example

1. **The Kyoto Protocol**, a climate agreement for reduction of greenhouse gases emissions in order to protect the environment.
2. **Convention on the Rights of the Child**, a convention, ensuring the protection of child rights..

### → Some Organisations

The United Nation (UN) and The World Trade Organization (WTO)

## 2. Supranational Law

It refers to a situation in which a nation/state surrenders to a court of their choice their right to make certain judicial decisions, which will take priority over the decision made by the national courts.

### → Example

The supranational law is represented by the European Union (EU). All the courts within the member states of the EU are overruled by the European Court of Justice in accordance with EU laws.

## 3. Private International law

It is also referred to as, '**Conflict of laws**'. It establishes and deals with the relationship between citizens/private entities of different countries. People from different parts of the world are often interacting with each other forming legal relations.

### → Example

1. Divorce case of an American man and an Indian woman were married in India and now live in Los Angeles.
2. Defrauded by a foreign country's personal/private entity or organisation.



# Merits / Demerits

## Merits

1. **State's Interest Protection:** For example, the World Food Programme
2. **Human Being Welfare:** For example, Universal Declaration of Human Rights.
3. **Unity and Strength:** For example, the fighting against global warming.

## Demerits

1. **No Apparent Authority:** For the enforcement of the law.
2. **No Legislative Machinery:** Based on treaties and conventions.
3. **Lack of Effective Sanctions:** Results in laws being violated frequently by the states.
4. **Inability to Intervene:** Cannot interfere in the domestic matters of the states.

THANK YOU