

PUBLIC INTERNATIONAL LAW

GENERAL PRINCIPLES

PUBLIC INTERNATIONAL LAW, DEFINED

Traditional - A body of rules and principles of action which are binding upon civilized states in their relation with one another.

Schwarzenberger's - The body of legal rules which apply between sovereign states and such other entities as have been granted international personality.

Restatement (3rd) of Foreign Relations Law of the US - The law which deals with the conduct of states and of international organizations and with their relations inter se, as well as with some of their relations with persons, whether natural or juridical. The term "international law" was first used in 1870 by **Jeremy Bentham** in his **Introduction to the Principles of Morals and Legislation**.

Public International Law is the unique system of law that continuously evolves from the process of identifying normative conduct, which primarily governs relations among states, and secondarily governs other actors in the international system, such as international organization and individuals acting as collectivities.

Considered broadly, international law may include "public" and "private" international law although the term is generally understood to cover only public international law.

INTERNATIONAL LAW V. NATIONAL LAW

INTERNATIONAL LAW does not recognize a sovereign authority with power to impose its will on the world. Follows the principle of collective responsibility.

It is a process rather than a set of pre-existing immutable rules.

Such is the founding guiding principle of international law out of respect for the right of **self-determination** for each state.

SELF DETERMINATION as the legal right to free choice is exemplified by the African Charter on Human and People's Right to Self-Determination.

Art. 20: Colonial or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.

NATIONAL LAW follows the principle of individual responsibility.

PUBLIC INTERNATIONAL LAW V. PRIVATE INTERNATIONAL LAW

PUL	PRIL
Definition It is a body of legal principles, norms and processes which regulates the relations of States and other international persons and governs their conduct affecting the interest of the international community as a whole.	It is that part of the law of each State which determines whether, in dealing with a factual situation, an event or transaction between private individuals or entities involving a foreign element, the law of some other State will be recognized.
Dispute resolution	
International nature	in Through municipal tribunals
Subject	
Through international modes	Relations of individuals whether or not of the same nationality
Source	
Relations of States inter se and persons with international legal personality	Lawmaking authority of each state
Responsibility for breach	
Collective because it attaches directly to	Entails individual responsibility

Principles On Public Law

IM Harris



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