



# **PUBLIC INTERNATIONAL LAW**

BY –

**SURBHI WADHWA**

**Assistant Professor (Law)**

**Jiwaji University,**

**Gwalior**



# **INTRODUCTION of PUBLIC INTERNATIONAL LAW**

# INTRODUCTION

- The expression 'International Law' was coined for the first time by Jeremy Bentham in 1780.
- The term International Law is synonymous with the term law of nations.
- It is a body of rules and principles which regulate the conduct and relations of the members of the international community.

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- International law is the set of rules generally regarded and accepted as binding in relations between states and nations.
  - It serves as the indispensable framework for the practice of stable and organized international relations.
  - International law differs from national legal systems in that it primarily concerns nations rather than private citizens.

# **L.F.L. Oppenheim**

- Law of Nations or International Law is the name for the body of customary law and conventional rules which are considered binding by civilized states in their intercourse with each other.

# Alf Ross

- Alf Rose defines the term international law as under: “International law is the body of legal rules binding upon states in their relations with one another.”

# Jeremy Bentham

- Used the term ‘International Law’ for the first time in 1780.
- According to Bentham’s classic definition, international law is a collection of rules governing relations between states. It is a mark of how far international law has evolved that this original definition omits individuals and international organizations of the most dynamic and vital elements of modern international law.

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- Furthermore, it is no longer accurate to view international law as simply a collection of rules; rather, it is a rapidly developing complex of rules and influential—though not directly binding—principles, practices, and assertions coupled with increasingly sophisticated structures and processes.

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- In its broadest sense, international law provides normative guidelines as well as methods, mechanisms, and a common conceptual language to international actors—i.e., primarily sovereign states but also increasingly international organizations and some individuals.

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- The range of subjects and actors directly concerned with international law has widened considerably, moving beyond the classical questions of war, peace, and diplomacy to include human rights, economic and trade issues, space law, and international organizations.
  - Although international law is a legal order and not an ethical one, it has been influenced significantly by ethical principles and concerns, particularly in the sphere of human rights.

# Hugo Grotius

Known as Father of  
International Law

## Holland

International Law is the  
vanishing point of  
jurisprudence.

# John Austin

Law is the command of the sovereign sanctioned by superior political authority.

- International Law is not real law.
- It is Positive International Morality.

# **Fredrick Pollock**

For International Law to be binding upon the members, the essential conditions are the existence of political community and the recognition by its members of settled rules binding upon them in that capacity. International Law wholly satisfies these conditions.

# Gray

- International law or the Law of Nations is the name of a body of rules which according to their usual definitions regulate the conduct of states in their intercourse with each other.

# J. L. Brierly

- The law of Nations or International Law may be defined as the body of rules and principles of action which are binding upon civilized states in their relations with one other.

# Torsten Gihl

- The term International Law means the body of rules of law, which apply within the International Community or society of States.

# Queen v. Keyn, 2 Ex. D. 63, 153, 154 (1876)

- **LORD COLERIDGE, C.J.**, defined International law in the following words:  
“The law of nations is that collection of usages which civilized States have agreed to observe in their dealings with one another.

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- Thus, International Law can be considered as treaties, set of rules and agreements between countries that are binding between them. International Law governs how nations must interact with other nations. It is extremely useful in regulating the issue of jurisdiction which arises when people trade among different States. The main purpose of International Law is to promote justice, peace and common interest.

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- International Law grew out of necessity.
  - As International engagement increased, International Law expanded.
  - International Law is the most convenient form of regulating world order in the present-day world.



# International law aims :-

- To achieve International peace and security and
- To achieve Promotion of friendly relations among the member states (the members of International Community i.e. United Nations).
  - to maintain international peace and security, which provide for fundamental rights, freedoms and human rights,
  - To refrain the State from the use of threat or force against the territorial integrity of any other State,
  - To provide for the right of self-determination to people,
  - To solve International problems by achieving International cooperation,
  - To use peaceful means for settlement of international disputes.

# Classification of International Law

- International Law can be classified into two groups:

## **Public International Law**

- Public International Law is regulated by the treaties and globally accepted norms and customs which are included as State practice and opinio Juris. It regulates the relationship between those nations and peoples that are prone to be affected by a particular law as they are bound by these legal codes and rules.

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- Public International law covers the rules, laws and customs that govern and monitor the conduct and dealings between nations and/or their citizens. The UN deals largely with public international law.

# Private International Law

- It regulates private conflicts between individuals rather than the States. It seeks to resolve disputes in the domestic municipal body which involves an issue revolving beyond its domestic jurisdiction.
- Private International law (Conflict of laws) handles disputes between private citizens of different nations.

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- Private International Law is that branch of International Law, which determines or decides law applicable to the disputes or issues involving more than one nation and determines the court having jurisdiction to decide the issue. Private International Law is essentially a part of municipal law.
  - Dicey calls it 'Conflict of Laws' since it deals with rules regulating cases in which municipal laws of different states or nations come into conflict. Such conflicts may arise with regard to domicile, marriage, divorce, wills, contracts etc. Hence, it is also called as inter-municipal law.

# Conclusion

- International Law is constantly evolving body of norms that are commonly observed by the members of international community in their relations with one another.

Thank You!