PUBLIC INTERNATIONAL LAW

BY –

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Historical development of International Law

- The foundations of international law (or the law of nations) as it is understood today lie firmly in the development of Western culture and political organisation.

- The growth of European notions of sovereignty and the independent nation-state required an acceptable method whereby inter-state relations could be conducted in accordance with commonly accepted standards of behaviour, and international law filled the gap.

- But although the law of nations took root and flowered with the sophistication of Renaissance Europe, the seeds of this particular hybrid plant are of far older lineage. They reach far back into history.
- The eighteenth century was a ferment of intellectual ideas and rationalist philosophies that contributed to the evolution of the doctrine of international law.
- The nineteenth century by contrast was a practical, expansionist and positivist era.

- The Congress of Vienna, which marked the conclusion of the Napoleonic wars, enshrined the new international order which was to be based upon the European balance of power.

- International law became Eurocentric, the preserve of the civilised, Christian states, into which overseas and foreign nations could enter only with the consent of and on the conditions laid down by the Western powers.

- Paradoxically, whilst international law became geographically internationalised through the expansion of the European empires, it became less universalist in conception and more, theoretically as well as practically, a reflection of European values.
- This theme, the relationship between universalism and particularism, appears time and again in international law.

- This century also saw the coming to independence of Latin America and the forging of a distinctive approach to certain elements of international law by the states of that region, especially with regard to, for example, diplomatic asylum and the treatment of foreign enterprises and nationals.

- The First World War marked the close of a dynamic and optimistic century.
- European empires ruled the world and European ideologies reigned supreme, but the 1914–18 Great War undermined the foundations of European civilisation.

- Self-confidence faded, if slowly, the edifice weakened and the universally accepted assumptions of progress were increasingly doubted.
- Self-questioning was the order of the day and law as well as art reflected this.

- The most important legacy of the 1919 Peace Treaty from the point of view of international relations was the creation of the League of Nations.
- The old anarchic system had failed and it was felt that new institutions to preserve and secure peace were necessary.

- The League consisted of an Assembly and an executive Council, but was crippled from the start by the absence of the United States and the Soviet Union for most of its life and remained a basically European organisation.

Thank You!