



HISTORY AND NATURE OF INTERNATIONAL LAW

Introduction into International Law



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PRIOR TO INTERNATIONAL LAW

- **History of IL *stricto sensu* made in Europe**
- **Ancient Civilizations**
 - many institutions inherent to IT
- **China** → travelling envoys
- **Mesopotamia** → arbitral decisions (as dispute settlement tools alternative to warfare)
- **Egypt, Hattusa** → Kadesh Treaty
- **India** → the Laws of Manu
- **Ancient Greece and Rhodes** → *Lex Rhodia de lactu*
- **Ancient Rome** → distinction between (*ius civile and ius gentium*)
- **Sunni Muslim** → Abu Bakr: Ten Rules for the Muslim Army

MEDIEVAL AND MODERN TIME AUTHORS

- **St. Thomas Aquinas**
 - Lex divina X lex naturalis X lex humana
- **Francisco de Vitoria**
 - School of Salamanca → reformulation of the concept of natural law
- **Hugo Grotius**
 - Foundations of international law
 - Different understanding of natural law
 - Mare Librum → the concept of free sea
 - De jure belli ac pacis libri tres

MEDIEVAL AND MODERN TIME AUTHORS

- **Jean Jacques Rousseau**
 - Du contract social ou priciples du droit politique
- **Immanuel Kant**
 - State sovereignty
 - Liberal theory of international law
- **Thomas Hobbes**
 - Leviathan
 - A state as an absolute sovereign

MILESTONES OF MODERN HISTORY OF IL

- **Marsilio da Padova**
 - 1324 CE - Defensor pacis (The Defender of Peace)
- **1648 CE - The Peace of Westphalia**
 - The end of the de facto hegemony of the Catholic Church in Europe
- **1815 CE - The Vienna Peace Conference**
- **1914-1918 CE - The Great War**
- **1939-1945 CE - WWII**
 - Nuremberg Charter
 - Operation Anthropoid
 - United Nations
- **1948-1989 CE - Cold War**
 - Codification → Law of the Sea, Diplomatic Law, Consular Law, or the Space Law

NATURE OF INTERNATIONAL LAW

- **John Austin**
 - international law is not really law
- All states are equal in their sovereignty although their respective individual sovereignties are no longer absolute, as they are limited by mutual international obligations and norms of international law

RELATIONSHIP BETWEEN IL AND MUNICIPAL LEGAL SYSTEMS

- **Dualism**
- **Monism**
- **Examples**
 - **Germany: German Constitution**
 - **United Kingdom: *Trendtex Case***