

The logo of Galgotias University is a circular emblem with three curved, overlapping bands in shades of yellow, blue, and red, creating a stylized 'G' shape.

**Development of International
Law
&
Codification**

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- International law is distinct from international comity, which comprises legally nonbinding practices adopted by states for reasons of courtesy (e.g., the saluting of the flags of foreign warships at sea).
- In addition, the study of international law, or public international law, is distinguished from the field of conflict of laws, or private international law, which is concerned with the rules of municipal law—as international lawyers term the domestic law of states—of different countries where foreign elements are involved.

- International law is an independent system of law existing outside the legal orders of particular states. It differs from domestic legal systems in a number of respects. For example, although the United Nations (UN) General Assembly, which consists of representatives of some 190 countries, has the outward appearances of a legislature, it has no power to issue binding laws.
- Rather, its resolutions serve only as recommendations—except in specific cases and for certain purposes within the UN system, such as determining the UN budget, admitting new members of the UN, and, with the involvement of the Security Council, electing new judges to the International Court of Justice (ICJ). Also, there is no system of courts with comprehensive jurisdiction in international law. The ICJ's jurisdiction in contentious cases is founded upon the consent of the particular states involved.

- Three periods of development
 - Ancient period (Greeks and Romans)
 - First World War (League of Nations 1919)
 - Second World War (United Nations 1945)
- Three schools in the development of international law
 - **The naturalists** (Samuel Pufendorf, Christian Thomasius, Francis Hutcheson, Thomas Rutherford)
 - **The positivists** (Bynkershoek, Jhon Jacob Moser, George Friedrich)

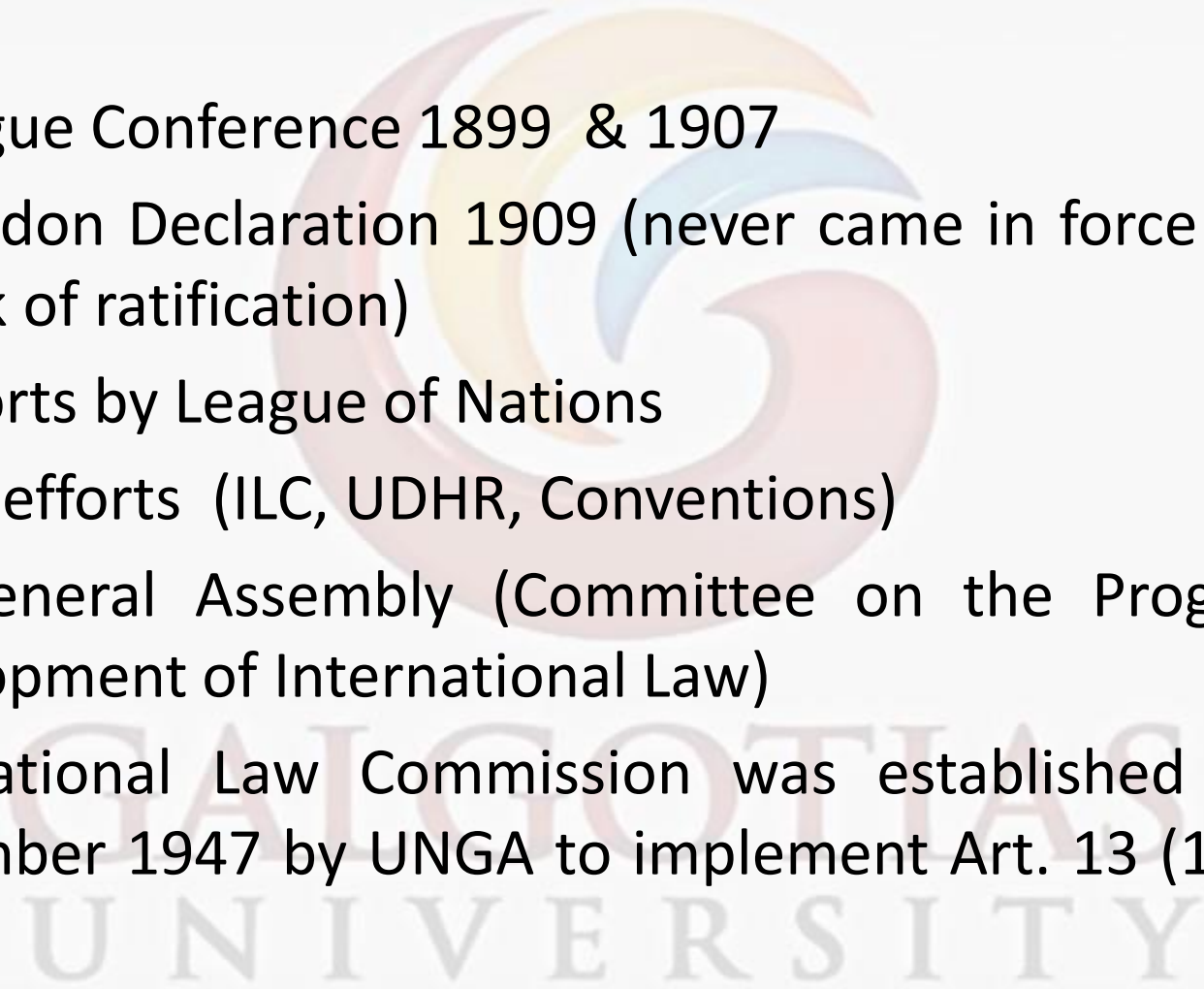
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- The Grotians (Christian Wolff, Emerich de Vattel)
- CODIFICATION of Int. Law- (propounded by **Bentham**)
 - Definition- the process of translating into statutes or conventions, customary law and the rules arising from the decisions of tribunals, with little or no alteration of the law.
 - Objectives- a) it secures, by means of general conventions, agreement among the states upon certain topics on international law and act as a check whereby determination of particular law is not left to the caprices of the judges.
 - b) It tends to reconcile conflicting views and renders agreement possible among different States.

- Functions of codification:
 - Harmonisation,
 - Uniformisation,
 - Systematic reiteration of existing customary international law.
 - Developing or amending the existing law.
- Early efforts towards codification-
 - Paris Declaration 1856

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- Hague Conference 1899 & 1907
- London Declaration 1909 (never came in force due to lack of ratification)
- Efforts by League of Nations
- UN efforts (ILC, UDHR, Conventions)
- UN General Assembly (Committee on the Progressive Development of International Law)
- International Law Commission was established on 21 November 1947 by UNGA to implement Art. 13 (1) (a) of UNGA.



- 13 (1) The General Assembly shall initiate studies and make recommendations for the purpose of:
(a) promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;
- Art. 15 of the Statute of International Law Commission (difference between 'Codification' & 'Progressive development of International Laws')
- Art. 24 of ILC Statute deals in codification of Int. Customary Laws.

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Sources of Public Int'l Law

- Treaties and other international agreements
- Custom
- General principles of law
- Judicial decisions and teachings of qualified publicists

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References

- <https://www.britannica.com/topic/international-law/Historical-development>
- Shaw, *International Law*

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