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## Wex

Categories: International, Transnational, and Comparative Law | Overview

### International law

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#### international law: an overview

International law consists of rules and principles which govern the relations and dealings of nations with each other. International Law, which is in most other countries referred to as Public International Law, concerns itself only with questions of rights between several nations or nations and the citizens or subjects of other nations. In contrast, Private International Law deals with controversies between private persons, natural or juridical, arising out of situations having significant relationship to more than one nation. In recent years the line between public and private international law have become increasingly uncertain. Issues of private international law may also implicate issues of public international law, and many matters of private international law have substantial significance for the international community of nations.

International Law includes the basic, classic concepts of law in national legal systems -- status, property, obligation, and tort (or delict). It also includes substantive law, procedure, process and remedies. International Law is rooted in acceptance by the nation states which constitute the system. Customary law and conventional law are primary sources of international law. Customary international law results when states follow certain practices generally and consistently out of a sense of legal obligation. Recently the customary law was codified in the Vienna Convention on the Law of Treaties (<http://fletcher.tufts.edu/multi/texts/BH538.txt>). Conventional international law derives from international agreements and may take any form that the contracting parties agree upon. Agreements may be made in respect to any matter except to the extent that the agreement conflicts with the rules of international law incorporating basic standards of international conduct or the obligations of a member state under the Charter of the United Nations (<http://www.unhcr.ch/html/menu3/b/ch-cont.htm>). International agreements create law for the parties of the agreement. They may also lead to the creation of customary international law when they are intended for adherence generally and are in fact widely accepted. Customary law and law made by by international agreement have equal authority as international law. Parties may assign higher priority to one of the sources by agreement. However, some rules of international law are recognized by international community as peremptory, permitting no derogation. Such rules can be changed or modified only by a subsequent peremptory norm of international law.

General principles common to systems of national law is a secondary source of international law. There

are situations where neither conventional nor customary international law can be applicable. In this case a general principle may be invoked as a rule of international law because it is a general principle common to the major legal systems of the world and not inappropriate for international claims.

The law of nations is a part of the law of the United States unless there is some statute or treaty to the contrary. International law is a part of the law of the United States only for the application of its principles on questions of international rights and duties. It does not restrict the United States or any other nation from making laws governing its own territory. A State of the United States is not a "state" under international law, since the Constitution does not vest it with a capacity to conduct foreign relations.

International law impose upon the nations certain duties with respect to individuals. It is a violation of international law to treat an alien in a manner which does not satisfy the international standard of justice. However in the absence of a specific agreement an individual cannot bring the complaint. Only the state of which he is a national can complain of such a violation before an international tribunal. The state of nationality usually is not obligated to exercise this right and can decide whether to enforce it.

International organizations play increasingly important role in the relationships between nations. An international organization is one that created by international agreement or which has membership consisting primary of nations. To vitalize the status of international organization of which United States is a member and facilitate their activities Congress has enacted the International Organization Immunities Act, which among other provisions defines the capacity of such organizations.

The United Nations (<http://www.un.org/>), the most influential among international organizations, was created on June 26, 1945. The declared purposes of United Nations are to maintain peace and security, to develop friendly relations among nations, to achieve international cooperation in solving international problems, and to be a center for harmonizing the actions of the nations and attaining their common ends. The Charter of the United Nations has been adhered to by virtually all states. Even the few remaining non-member states have acquiesced in the principles it established. The International Court of Justice (<http://www.icj-cij.org/>) is established by the UN Charter as its principal judicial organ.

## menu of sources

### Federal Material

#### U.S. Constitution

- Article I, Section 8 (<http://www.law.cornell.edu/constitution/constitution.articlei.html#section8>) - Congress' power to regulate commerce among the nations
- Article I, Section 10 (<http://www.law.cornell.edu/constitution/constitution.articlei.html#section10>) - Limitation on states' power to conduct foreign relations
- Article II, Section 2 (<http://www.law.cornell.edu/constitution/constitution.articleii.html#section2>) - Executive power to negotiate treaties
- Article III, Section 2 (<http://www.law.cornell.edu/constitution/constitution.articleiii.html#section2>) - Judicial power to resolve disputes involving an international party
- Article IV (<http://www.law.cornell.edu/constitution/constitution.articlevi.html>) - Treaties of the United States

#### Federal Statutes

- U.S. Code: 22 U.S.C. - Foreign Relations and Intercourse

### International Material

#### Conventions and Treaties

- Collection of Multilateral Treaties - Fletcher School (Tufts) (<http://fletcher.tufts.edu/multilaterals.html>)
- UN Charter (<http://www.un.org/aboutun/charter/>)
- The European Union (<http://europa.eu.int/>)
- GATT ([http://www.wto.org/english/docs\\_e/legal\\_e/legal\\_e.htm#GATT94](http://www.wto.org/english/docs_e/legal_e/legal_e.htm#GATT94))
- The Rome Statute of the International Criminal Court (<http://www.un.org/law/icc/statute/romefra.htm>)

#### International Organizations

- United Nations (<http://www.unsystem.org/>)
  - International Court of Justice (<http://www.icj-cij.org/>)
- NATO (<http://www.nato.int/>)
  - Partnership for Peace Members (<http://www.nato.int/pfp/pfp.htm>)
- International Monetary Fund (<http://www.imf.org/>)
- International Federation of Red Cross and Red Crescent Societies (<http://www.ifrc.org:80/>)
- World Bank (<http://www.worldbank.org/>)
- World Trade Organization (<http://www.wto.org>)
- World Health Organization (WHO) (<http://www.who.ch/>)
- International Criminal Court (<http://www.icc-cpi.int/>)

#### Other References

#### Key Internet Sources

- Federal Agency: Department of State (<http://www.state.gov/>)
- Journals
  - American University International Law Review (<http://www.wcl.american.edu/pub/ilr/home.htm>)
  - Indiana Journal of Global Legal Studies (<http://ijgls.indiana.edu/>)
  - Stanford Journal of International Law (<http://sjil.stanford.edu/>)
- Law Journal Extra (<http://gort.ucsd.edu/newjour/l/msg00340.html>)
- Cornell Law Library:
  - International Law Sources (<http://www.lawschool.cornell.edu/library/esources/default.aspx?ID=9>)
  - International Affairs Web Resources (<http://www.etown.edu/vl/>)
- See also LII: World Law Collection (<http://www.law.cornell.edu/world/>)

#### Useful Offnet (or Subscription - \$) Sources

Study law abroad: Cornell Paris Institute (<http://www.lawschool.cornell.edu/international/paris/>)

#### other topics

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