

Introduction to International Law

Robert Beckman and Dagmar Butte

A. PURPOSE OF THIS DOCUMENT

This document is intended to provide students an overview of international law and the structure of the international legal system. In many cases it oversimplifies the law by summarizing key principles in less than one page in order to provide the student with an overview that will enhance further study of the topic.

B. DEFINITION OF INTERNATIONAL LAW

International Law consists of the rules and principles of general application dealing with the conduct of States and of international organizations in their international relations with one another and with private individuals, minority groups and transnational companies.

C. INTERNATIONAL LEGAL PERSONALITY

International legal personality refers to the entities or legal persons that can have rights and obligations under international law.

1. States

A State has the following characteristics: (1) a permanent population; (2) a defined territory; (3) a government; and (4) the capacity to enter into relations with other States. Some writers also argue that a State must be fully independent and be recognized as a State by other States. The international legal system is a horizontal system dominated by States which are, in principle, considered sovereign and equal. International law is predominately made and implemented by States. Only States can have sovereignty over territory. Only States can become members of the United Nations and other international organizations. Only States have access to the International Court of Justice. .

2. International Organizations

International Organizations are established by States through international agreements and their powers are limited to those conferred on them in their constituent document. International organizations have a limited degree of international personality, especially vis-à-vis member States. They can enter into international agreements and their representatives have certain privileges and immunities. The constituent document may also provide that member States are legally bound to comply with decisions on particular matters.

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